

**Key West International Airport**  
**Ad-hoc Committee on Airport Noise**

**Agenda for Tuesday, October 4, 2011**

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
  - 1. For August 2<sup>th</sup>, 2011
- B. Discussion of Noise Monitoring
  - 1. Comments on DRAFT Noise Monitoring Memo
- C. Discussion of Part 150 Study Update
- D. Other Reports:
  - 1. Noise Hotline and Contact Log
  - 2. Airport Noise Report
- E. Any Other Discussion
- F. Next meeting: December 6, 2011

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**KWIA Ad-Hoc Committee on Noise  
August 02, 2011 Meeting Minutes**

**Meeting called to order by Commissioner Wigington at 2:00 PM.**

**ROLL CALL:**

**Committee Members in Attendance:**

Commissioner Kim Wigington  
Dan McMahon  
Kay Miller  
Sonny Knowles  
Marlene Durazo  
Marvin Hunt

**Staff and Guests in Attendance:**

Dan Botto, URS Corp.  
Peter Horton, KWIA  
John Mafera, CDM-WSA  
Jim Herran, Resident  
Gail Kenson, NAS Key West  
R.L. Blazevic, Resident

Quorum was present.

**Review of Meeting Minutes for the June 7<sup>th</sup>, 2011 Ad Hoc Committee Meeting**

Commissioner Wigington called for a motion to approve the June 7, 2011 meeting minutes. Kay Miller made a motion to approve the minutes. Dan McMahon pointed out that "Henry Walney" should be spelled "Harvey Wolney" in the June 7, 2011 meeting minutes. Commissioner Wigington asked Kay if she would amend her motion to approve the meeting minutes with the correction. Kay agreed to the correction, Dan McMahon seconded the motion. There was no opposition, and the motion carried.

### **Appointments to Ad Hoc Committee**

Marvin Hunt was introduced by Peter Horton. Peter said that Marvin the the station manager at KWIA for both U S Airways and AirTran. Commissioner Wigington and Peter Horton noted that the Ad Hoc Committee was currently at full membership status.

### **Discussion of Noise Monitoring**

Dan Botto explained that the monitoring results suggest that the modeled results are over-stating the noise levels. He cautioned the committee that these results are not final, and that all interested parties are encouraged to submit comments from this point until the next meeting in October for LMB to address. Dan added that Deborah Lagos and he have not had a chance to thoroughly review the report, as it was receive just prior to sending out the package for this meeting. He assured the committee that he and Deborah would be thoroughly reviewing the report. A question was asked about how much of a difference the night-time (10dB per operation) penalty would add to the results of the report. Dan and Peter Horton explained that they don't think it would change the results by much and that using different metrics such as night-time sleep deprivation (disturbance) would not be accepted by the FAA. They added that FAA requires the use of the DNL metric, and that any additional, shorter duration metrics (like "school day" or "peak month") is required by the FAA to be labeled as: "for informational purposes only". Dan explained that the use of single event metrics (i.e. SEL) do not allow for an "apples to apples" comparison between aircraft that possess different noise profiles. Dan added that all the research agencies agree that DNL is not what you hear, but until a metric is developed that allows a direct comparison of different aircraft, we're "stuck" with DNL. Peter explained how they received, from the Navy, all radar flight tracks that were recorded for a period of one month, and mapped them. He explained that of the several hundred tracks plotted on the map, one flight track showed up over Key West by the Sea(KWBTS). It is pointed out that this was misleading as all aircraft on approach come within 100 yards or less (Peter said 850 ft) of KWBTS. Peter said that that is what makes the monitoring result so strange as they don't help explain the discrepancy between modeled and monitoring results. Dan pointed out that if we do the next Part 150, a new analysis of radar data would be included. On a request from the audience, Peter circulated the printed map of the radar tracks.

### **Part 150 Update**

Dan reported that we were to the point where FAA was ready to accept the scope and cost, and then they went on furlough. Peter added that the funding for the Part 150 is in

jepoardy because of what that going on in Washington, D.C. related to the FAA reauthorization. He feels that the FAA could choose to reimburse their employees lost wages due to the furlough out of the FAA's discretionary funds. This is also the pot of money that funds Part 150 studies. Peter added that each day that the FAA is shut down, the airport losses over \$6000 that would go into the future AIP fund. That could mean the airport would lose about \$250K in AIP funds if the Congress does not resolve the FAA reauthorization/extension issue before adjorning on their summer break, because it would be at least a month before FAA could be back at work. Peter clarified that this loss would come in to play 2 years from now since the AIP funds are distributed to the airport 2 year after they are actually collected. A question was asked about whether there is a possibility that the uncollected ticket tax could be collected retrospectively. Peter answered that that probably can't be done because it is against the law as set forth in the Constitution. A follow up question was asked about whether the airlines where collecting the tax during the FAA furlough anyway. Peter said some are and some are not. He specified that Delta Airlines was collecting to this point, but was discontinuing after today (Aug 02, 2011). Peter reiterated that all this makes him question the funding of the Part 150. Further discussion about the side topic of the FAA situation in Congress followed, centering on the Essential Air Service (EAS) funding for small rural airport issue.

### **Noise Insulation Program Update**

Dan reported that the NIP is completed. There won't be a clean-up phase with the Part 150 coming up. Dan added that he did have an ongoing issue with a homeowner whose home was mitigated is 2004 under Phase 2. She believes that the construction done as a part of the Noise Insulation Program is responsible for her cracking walls and shutter issues. Dan said he is working with her to resolve the issue.

### **Aviation Noise Hotline**

There were 18 calls, 42 total aircraft mentioned. Commissioner Wigington added to please note direct flyovers in calls to the hotline. Kay Miller asked if we should get residents of KWBTs to call the hotline when they notice evening/night operations, and would showing a higher frequency a calls would help. Discussion on this did not result in a direct answer to this question. Dan added that the 18 calls were made by 6 people.

### **Airport Noise Report**

Dan found 1 interesting story about the World Health Organization (WHO) supporting the link between aircraft noise and high blood pressure and cardiovascular disease medication

usage. Dan added that he did not know what this would mean for FAA noise related work, but that it is too early to say at this point. In response to a comment/question from the audience relating to how this finding might be used as a basis for filing claims against a municipality, Dan stated that at this time all the study showed is a positive correlation between aircraft noise, high blood pressure, and the usage of medication to control cardiovascular disease. Peter predicts that at some point in the future this would be used in a law suit.

#### **Other Discussion**

Commissioner Wigington asked if there was anything else that needed to be discussed, and all answers were in the negative. She reminded attendees that the next Ad Hoc meeting would be October 04, 2011.

The meeting was adjourned at 2:26 PM.

# **Key West International Airport Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message
8/8/2011	3:27 PM	Carol Warrick	KWBTS 318C, 305-942-9693	8/15/2011	AirTran just took off and the front end of the plane was taking off towards KWBTS and you got to teach that guy how to take off in a high density airport. It was just so noisy it was like the plane was in my living room. Please ask them not to do that. Thank You.
9/12/2011	8:32 AM			9/12/2011	No message left.

# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 23

July 22, 2011

## MWAA

### ITT SELECTED TO PROVIDE OPS DATA FEED FOR DULLES, NATIONAL AIRPORT NOMS

ITT Corporation announced July 19 that it has been selected through a competitive bidding process by the Metropolitan Washington Airports Authority (MWAA) to provide its flight operations data feed for noise monitoring and flight tracking systems in the Washington, D.C., area at Dulles International and Reagan National airports.

The ITT flight tracking data feed will improve noise event correlation and operational assignment for both airports and their surrounding communities, ITT said.

The firm is contracted to provide the data feed to MWAA for one year with the option to renew for two additional years. The information is derived from the Automatic Dependent Surveillance – Broadcast (ADS-B) network, being deployed and managed by ITT for the Federal Aviation Administration.

“The data will be integrated into both Dulles and Reagan airports’ Noise Operations Monitoring Systems (NOMS), which enable the proactive monitoring and management of aircraft noise and environmental effects on neighboring communities,” said John Kefalotis, vice president of next generation air transportation sys-

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## Airspace Change

### PROPOSED NY AIRSPACE ROUTES DO NOT QUALIFY FOR CATEX, NJCAAN TELLS FAA

New and revised air routes for the Northeast United States recently proposed by the Federal Aviation Administration do not qualify for a Categorical Exclusion (Catex) from environmental review under FAA’s environmental order, the New Jersey Coalition Against Aircraft Noise (NJCAAN) asserted in comments to the agency.

On May 17, the FAA proposed to amend five Air Traffic Service routes and establish four new ATS routes in order to increase airspace efficiency, enhance safety, and reduce delays within the New York Metropolitan area airspace.

FAA said the additional routes would facilitate the rerouting of westbound air traffic departing the New York metropolitan area and would better sequence this departing traffic with en route overflight traffic. The current traffic flows would be split with new routes and navigation fixes added to reduce delays within the New York terminal airspace.

The proposed new and revised ATS routes would mostly be used for departures but are also designed to more efficiently accommodate aircraft landing within the Baltimore-Washington, DC, area, FAA explained in its notice.

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*MWAA, from p. 89*

tems for ITT.

“NOMS information is critical for busy airports as growth and revenue opportunities are often prevented or delayed due to local community concerns about noise generated by aircraft.”

“ITT’s flight operations data feed provides a source of operational information that can be used to optimize the business operations of customers such as airlines, airport operators, and companies providing services tied to aviation operations,” the company said. “ITT’s flight operations data are currently being used by other major airport customers to provide more efficient routing given airspace congestion, and to reduce long on board delays on the airport surface during thunderstorms and other severe weather.”

*Airlines***AMERICAN ANNOUNCES LARGEST AIRCRAFT ORDER IN HISTORY**

AMR Corporation, the parent company of American Airlines, announced July 20 the largest aircraft order in history in order to create the youngest, most fuel-efficient fleet among U.S. airlines within five years.

American plans to acquire 460 narrow-body, single aisle aircraft from the Boeing 737 and Airbus A320 families beginning in 2013 through 2022. The agreement includes option and purchase rights for 465 additional aircraft through 2025.

As part of these agreements, starting in 2017, American will become the first network U.S. airline to begin taking delivery of “next generation” narrow-body aircraft that will be powered by the new CFM LEAP-X and Pratt and Whitney PurePower 1100G geared turbofan engines, which the manufacturers claim will cut noise levels in half compared to current-production engines.

The Boeing agreement includes 100 Next-Generation 737s, with options for an additional 40 airplanes. Boeing and American Airlines will work to finalize the agreement over the next several weeks, at which time it will be a firm order and posted to the Boeing Orders and Deliveries website.

In addition, American Airlines has committed to order a variant of the 737 featuring new more fuel-efficient engines, pending final airplane configuration and launch approval of the program by the Boeing board of directors. Boeing said this commitment for 100 airplanes, with options for 60 more, is the first of many anticipated for this variant. The airplane would be powered by CFM International’s LEAP-X engine.

As part of the Airbus order, American Airlines will acquire 130 A320neo aircraft, which feature a choice of the Pratt & Whitney PurePower or CFM LEAP-X engine.

*Airports***ACI-NA URGES OBAMA TO REMOVE RESTRICTIONS ON FUNDING**

Airports Council International-North America (ACI-NA) President Greg Principato wrote to President Barack Obama, Vice President Joseph Biden, and the bipartisan congressional leadership July 7, urging them to remove the federal government’s restrictions on airport funding.

Such action will facilitate critical aviation infrastructure development and job creation in a way that meets the demands from both liberal lawmakers, who want more investment in infrastructure, and conservative lawmakers, who want a smaller federal government, Principato argued.

A Nixon-era law passed in 1973 prohibits local airports and communities from generating resources they need to invest in aviation infrastructure and makes them much more reliant on Washington than need be the case, Principato said. “As a result, extra pressure is placed on the federal Airport Improvement Program [which funds airport noise mitigation projects] and on the taxes that pay for it (those same taxes pay for NextGen as well).”

“Our proposal is simple,” Principato wrote. “Free the nation’s airports to raise their own resources by removing the federal shackles. Airports will work with their local communities, and with the airlines that serve those communities in setting these rates – that is a system used all over the world, including by the competitors who are leaving us in their dust. If we do this, we can reduce demands on the federal [AIP] program, leading either to more resources available for NextGen, a reduction in the federal tax on airlines tickets and/or fuel, or both.”

“There are literally billions of dollars ready to invest in airports, non-governmental dollars that can be leveraged if we do this. Just simply modernize the way we regulate the economic lives of airports, stop treating them as if the 1970s were still in full bloom. Remove the federal restriction of airports and let them take charge of their own economic lives.”

*ACRP***GUIDEBOOK ON PRESERVING PUBLIC USE AIRPORTS ISSUED**

Public use airports not engaged in community outreach and education, land use planning and zoning, and environmental stewardship are at increased risk of closure, according to a Guidebook for the Preservation of Public Use Airports recently released by the Transportation Research Board.

The guidebook was the fruit of Airport Cooperative Research Program Project 03-11. It describes the reasons why public-use airports close and identifies measures and strategies that can be taken to preserve them. An interactive tool allows a user to access information on specific circumstances



pertaining to closures, preventive measures and strategies, and roles and responsibilities of parties that have a role in preventing the closure. The guidebook is intended to be used by state and local agencies, airport owners/operators, and advocacy groups in preserving public-use airports.

Public use airports are any airports that are open to the public without restriction except for safety or operations reasons.

In 1969 there were more than 6,700 public-use airports in the United States; that number has dropped to about 5,000 public-use airports, the guidebook notes.

The guidebook is available at [http://www.trb.org/ACRP/Blurbs/A\\_Guidebook\\_for\\_the\\_Preservation\\_of\\_PublicUse\\_Airp\\_165624.aspx](http://www.trb.org/ACRP/Blurbs/A_Guidebook_for_the_Preservation_of_PublicUse_Airp_165624.aspx)

### ***Air Routes, from p. 89***

The agency said the proposed new and modified air routes qualify for a Categorical Exclusion under its environmental order (FAA Order 1050.1E) because they are not expected to cause any potentially significant environmental impacts and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

But NJCAAN disagreed. “The proposed action occurs in the midst of the implementation of the New York/New Jersey/Philadelphia Airspace Redesign and significantly modifies it,” asserted NJCAAN, which claims to represent 10,000 New Jersey residents.

The NY/NJ/PHL Airspace Redesign “has been the subject of extraordinary and unusual public concern, including litigation by a dozen parties across four states, participation by the Attorney General for the State of Connecticut, and an amicus brief by the New Jersey Department of Environmental Protection,” the group wrote in its comments.

It said the newly proposed air route changes “would modify the routes, traffic patterns, and noise impacts of the NY/NJ/PHL Redesign and, therefore, are subject to the same concerns established for the Redesign.”

In separate comments, Michael Kroposki, a retired corporate attorney and expert in administrative law who serves on the NJCAAN Board, told FAA that it is using the Categorical Exclusion to the newly proposed air route changes to amend the Final Environmental Impact Statement for the NY/NJ/PHL Airspace redesign, which is not permitted under National Environmental Policy Act regulations.

He said the new routes need to be considered in a Supplemental EIS to the existing FEIS for the NY/NJ/PHL Airspace Redesign.

“This group of new Next Gen air traffic routes has significant indirect and cumulative impact on noise and air pollution in the New York Metro area,” Kroposki wrote. “Next Gen air traffic routes have significantly different noise patterns as compared to conventional routes [they concentrate the noise tightly over the flight track]. They will also enable an increase in annual operations because they allow more operations in marginal meteorological conditions. They connect

to RNAV and RNP arrival and departure procedures, almost all of which have been instituted with Categorical Exclusions and therefore have not received any environmental analysis.”

Extraordinary circumstances are also involved with FAA’s proposed action because it is likely to be highly controversial on environmental grounds, Kroposki contended.

“The segmented NEPA consideration of this ... route rule is not an isolated instance but rather a part of a continuing pattern of instituting new Next Gen air traffic procedures in the New York metro area without proper environmental assessment. For the last two years, almost all of the new RNAV and RNP air traffic procedures have been placed into operation without any environmental assessment either individually or cumulatively,” Kroposki wrote.

### ***Research***

## **AIRPORT RUNWAY NOISE COULD BECOME ELECTRICAL POWER**

A University at Buffalo-led research team has developed a mathematical framework that could one day form the basis of technologies that turn road vibrations, airport runway noise, and other “junk” energy into useful power, the university announced July 20.

The concept all begins with a granular system comprising a chain of equal-sized particles – spheres, for instance – that touch one another.

In a paper in *Physical Review E* this June, UB theoretical physicist Surajit Sen and colleagues describe how altering the shape of grain-to-grain contact areas between the particles dramatically changes how energy propagates through the system.

Under “normal” circumstances, when the particles are perfect spheres, exerting force on the first sphere in the chain causes energy to travel through the spheres as a compact bundle of energy between 3 to 5 particle diameters wide, at a rate set by Hertz’s Law.

But Sen and his collaborators have discovered that by altering the shape of the surface area of each particle where it presses against the next, it is possible to change how the energy moves. While this finding is yet to be demonstrated experimentally, Sen said that “mathematically, it’s correct. We have proven it.”

“What this work means is that by tweaking force propagation from one grain to another, we can potentially channel energy in controllable ways, which includes slowing down how energy moves, varying the space across which it moves and potentially even holding some of it down,” said Sen, a professor of physics whose partners on the project included former graduate student Diankang Sun, now of New Mexico Resonance in Albuquerque, and Chiara Daraio, a professor at the California Institute of Technology.

“What we have managed to accomplish is we have broadened Hertz’s theory with some extremely simple modifica-

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tions,” Sen said. “If I hit one end of the chain of particles, the perturbation will travel as an energy bundle. Now we can tune and control that energy.” This modification to Heinrich Hertz’s theory comes 130 years after Hertz’s work was published, Sen said.

While the *Physical Review E* paper describes a granular, mechanical system, Sen believes the mathematical framework his team developed could be realized using electrical circuit systems as well. One practical application he foresees from such technology: “We could have chips that take energy from road vibrations, runway noise from airports – energy that we are not able to make use of very well – and convert it into pulses, packets of electrical energy, that become useful power.”

“You give me noise,” Sen said, “I give you organized bundles.”

The study was supported by the Army Research Office and National Science Foundation

### ***FAA Reauthorization***

## **FAA MUST FURLOUGH 4,000 EMPLOYEES IF CONGRESS FAILS TO PASS EXTENSION**

The Federal Aviation Administration will have to furlough 4,000 employees nationwide beginning tomorrow, July 23, if Congress fails to pass another short-term extension of legislation reauthorizing FAA programs.

Without the appropriate authority, taxes will not be deposited into the Trust Fund to pay some FAA employees. Employees who are paid out of the Trust Fund handle a variety of functions including: airport safety and engineering standards; airport safety planning; the Airport Improvement Program, which administers construction project grants to airports as well as noise mitigation project grants; and Research, Engineering, and Development, which includes NextGen research and testing.

Transportation Secretary Ray LaHood and Federal Aviation Administration Administrator Randy Babbitt called on Congress July 20 to pass a clean extension of the FAA’s authorization in order to avoid airport project construction delays and employee furloughs.

On July 20, the House approved legislation to extend FAA operations that includes language inserted by Aviation Subcommittee Chairman Tom Petri (R-WI) that curtails FAA’s Essential Air Service program, which subsidizes commercial airline service to small airports.

House and Senate Democrats say that provision could jeopardize efforts to enact a multi-year FAA reauthorization bill.

On July 19, top Democrats on the House Aviation Subcommittee urged House Speaker John Boehner to appoint a conference committee to move passage of a multi-year FAA reauthorization forward by resolving differences in bills already passed by the House and Senate.

## **AIRPORT NOISE REPORT**

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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July 29, 2011

## FAA

### ONE-THIRD OF FAA OFFICE OF ENVIRONMENT AND ENERGY STAFF HAS BEEN FURLOUGHED

Approximately one-third of the staff of the Federal Aviation Administration's Office of Environment and Energy (AEE) has been furloughed as a result of Congress's failure to pass a short-term extension of legislation authorizing FAA operations.

The situation is not good for FAA's efforts to mitigation aviation environmental impacts.

Work has now stopped on the majority of AEE programs, including the Continuous Lower Energy, Emissions, and Noise (CLEEN) Program, alternative fuel development, and NextGen environmental efforts. Also on hold is the federal Airport Improvement Program (AIP), which provides grant funds to airports to support noise and emissions mitigation projects, such as residential sound insulation and the Voluntary Airport Low Emission Program (VALE).

FAA said it also is putting on hold an aggressive testing and deployment schedule for a new automation system that will serve as a foundation for the NextGen satellite-based air navigation system. Currently, the En Route Automation Modern-

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## San Francisco Int'l

### SFO ROUNDTABLE CHAIR REFUTES ASSERTION BY JURY THAT ROUNDTABLE IS IN DECLINE

Richard M. Newman, chairman of the San Francisco International Airport/Community Roundtable, strongly refuted a San Mateo County, CA, Civil Grand Jury report concluding that the 30-year-old institution – often cited as a paragon of fruitful airport/community interaction – is losing its effectiveness.

"The Grand Jury report is flawed in many ways," Newman asserted in a statement to ANR representing only his views. The full Roundtable has not yet responded to the report.

Newman stressed that SFO noise complaints are down and said that is likely due to the results of the Roundtable's work in tandem with the San Francisco International Airport Aircraft Noise Abatement Office and management, the Federal Aviation Administration, and the airlines.

He offered a point-by-point rebuttal of the conclusions and recommendations made in the Grand Jury report.

The Grand Jury cited the fact that City of Daly City, one of the communities most severely impacted by aircraft noise and night departures, decided to withdraw from the Roundtable as evidence of its decline. But Newman said the City told the

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ization or ERAM system is operational in Seattle and Salt Lake City where air traffic controllers are using it to handle live traffic. The FAA put on hold the testing and deployment schedule for 18 more facilities due to the lack of funding and employee furloughs.

The agency said it hopes that Congress will act soon to resolve the current impasse regarding the extension so that the AEE's furloughed staff can get back to work.

Nearly 4,000 FAA employees in 35 states, and the District of Columbia and Puerto Rico, have been furloughed and forced to go without pay. Large numbers of employees in New Jersey, New York, California, Georgia, Oklahoma, Texas, Washington, Illinois and the District of Columbia are being affected. This includes many of the FAA's engineers, scientists, research analysts, administrative assistants, computer specialists, program managers and analysts, environmental protection specialists, and community planners.

"I am making a simple and straightforward request to Congress: pass a clean FAA bill and immediately put thousands of FAA employees, construction workers, planners and engineers across America to work. In these tough economic times, we can ill afford to lay off hard-working Americans whose families depend on them," said Transportation Secretary Ray LaHood.

"The real-world implications of Congressional inaction are serious. People are out of work and the FAA cannot conduct necessary work to keep our aviation system competitive and moving forward," said FAA Administrator Randy Babbitt.

On July 26, Democrats on the House Transportation and Infrastructure Committee jointly introduced a "clean" short-term funding extension bill for the FAA that omits a provision they strongly oppose in legislation passed last week by the Republican-controlled House that cuts grants to rural airports.

However, Transportation and Infrastructure Committee Chairman John L. Mica (R-FL) is insisting that the controversial provision not be cut.

House Republicans also have refused to convene a conference to iron out differences between House and Senate versions of long-term FAA reauthorization bills.

**Airlines****DELTA WILL PHASE OUT LOUD TURBO-PROPS IN SLOT EXCHANGE**

Delta Air Lines will phase out the use of older, loud turbo-prop planes for quieter jets in a slot exchange agreement with US Airways that recently received tentative approval from the Department of Transportation.

Rep. Joseph Crowley (D-NY), who represents communities in Queens and the Bronx near LaGuardia Airport that will see less noise impact as a result of the agreement, said it

paves the way for Delta to move forward with its \$117 million planned investment to build a new terminal at LaGuardia, generating thousands of new jobs in Queens and increasing economic activity in and around the airport.

In May, Delta Airlines and US Airways reached an agreement to transfer takeoff and landing slots between LaGuardia and Washington Reagan National Airports.

Under the agreement, Delta would operate an additional 116-132 slots at LaGuardia Airport, and would give up some of its slots at Washington Reagan National Airport in Washington, D.C. Subsequently, Delta would begin a multimillion dollar construction program at LaGuardia to connect the existing Delta and US Airways terminals.

An estimated 6,000 new jobs would be created as a result of this agreement, including construction, airport operational, and tourism-related jobs.

The Delta-US Airways agreement also is being reviewed by the Department of Justice.

**Naples Airport****FAA ISSUES FONSI ON RUNWAY EXTENSION THAT WILL CUT NOISE**

The Federal Aviation Administration has given environmental approval for the City of Naples Airport Authority to move ahead with plans to pave the safety areas at both ends of the main runway at Naples Municipal Airport, the Airport Authority said July 25.

The FAA's action, a Finding of No Significant Impact, cleared the way for the airport to add pavement in established grass safety areas. Runway 5/23 has been closed for duration of construction, which is scheduled to be completed before the end of the year. Aircraft continue to use the airport's second runway.

"The airport authority's priorities are sound attenuation, safety and service. Adding runway pavement furthers all three," said Executive Director Ted Soliday. "This may be the most significant step we can take to reduce aircraft-takeoff noise."

Work is under way to add pavement that will extend the runway's declared takeoff distance from 5,000 to 5,800 feet. The landing distance will remain the same. The extra length will help mitigate noise by allowing aircraft to achieve higher altitudes before leaving the airport, reducing sound under the flight path.

Extra runway length improves safety by providing more room for aborted takeoffs and other emergencies. In addition, it improves the airport's chances of resuming commercial air service with regional jets, which can require more runway length to take off when fully loaded with passengers.

The airport authority, which receives no city or county tax dollars, is paying the entire \$3.2 million cost of the project.



*In Memoriam***SCOTT CARPENTER, SENIOR L&B PROJECT MANAGER, DIES AT 49**

ANR reports with sadness the death on July 18 of Scott Daniel Carpenter, 49, Senior Project Manager at the aviation consulting firm Landrum & Brown.

A graduate of DeVry Institute of Technology, Scott was a member of the Institute of Noise Control Engineering, Air Traffic Control Association, Mid-America MENSA, FAA's Aviation Environmental Design Tool, and a past member of FAA's INM and NIRS Design Review Groups. Landrum & Brown noted in an announcement on his death.

Along with Scott's memberships, he also was a speaker at the UC Davis Noise & Air Quality Symposium in 2007 and 2010 and was an instructor for ACC NEPA Short Course 2003, Airspace Redesign Noise Assessment Models, and FAA's Air Traffic Environmental Symposium 2003 and 2008.

"Scott's death was just wrong – he was young and energetic, at the top of his career, with great expectations for the next 15 years," Landrum & Brown Senior Vice President Jon Woodward said in a eulogy at Scott's funeral.

"While Scott was probably one of the four or five most skilled people in the world in his chosen work, he was just as much respected for his way of dealing with people. If you've read the condolences sent to the family, few refer to his technical skills – but everyone recounts how special a person he was – optimistic, smart, caring, and giving. There are as many good words from his clients and people he competed against as there are from those he worked with every day."

"He had the tenacity of a pit bull," said Woodward, "and I think he saw work as something you live to do rather than do to live. He was always the first in to work in the morning and the last to leave – sometimes it seemed like he slept there, especially when we were working on the [NY/NJ/PHL] air-space redesign work or completing the last complex multi-million dollar project he managed – a noise management plan for one of two of NATO's air bases in Europe. On that project, he had to reconcile military flight procedures with contradicting national land use policies of The Netherlands and Germany, while dealing with outraged citizens who complained just as loudly as American airport neighbors but in different languages we didn't understand.

"At the end of the project, NATO was overjoyed with the result, the two countries were satisfied, and the neighbors got what they wanted – less noise and fewer overflights. Scott received a letter of commendation from the NATO Supreme Commander in Europe for his work on their behalf; but Scott didn't accept praise easily and just put the letter in a drawer."

Scott was preceded in death by his parents Audrey and Elmer Carpenter. Survivors include a sister Amy (George) Bowers; nieces Caroline Rose and Lily Jane Bowers; as well as extended family and friends. Memorial contributions may be made to the Shawnee Mission Education Foundation, 7235 Antioch Road, Shawnee Mission, Kansas 66204.

*Conferences***N.O.I.S.E. SEEKS INPUT FOR POLICY SUMMIT/COMMUNITY WORKSHOP**

The National Organization to Insure a Sound-controlled Environment (N.O.I.S.E.) is soliciting input for its upcoming 2011 Aviation Policy Summit/Community Involvement Workshop, which will be held in conjunction with the National League of Cities' (NLC) Congress of Cities and Exposition in Phoenix..

The Policy Summit will take place on Nov. 9 from 10:30 a.m. - 4:30 p.m. at the Phoenix Convention Center. A reception will follow.

The 2011 Aviation Policy Summit/Community Involvement Workshop is an all day event designed to encourage dialogue between aviation noise abatement experts and community leaders to learn from each other and share best practices. In the past, presenters have included a range of elected officials, community activists, sound insulation and land use planning experts, and Federal Aviation Administration representatives, among others.

N.O.I.S.E. will accept speaker and topic ideas for the 2011 Aviation Policy Summit/Community Involvement Workshop until Aug 31.

The organization is an affiliate of the NLC and has served for over four decades as America's only nationwide, community-based association committed to reducing the impact of excessive aviation noise on local communities.

Contact N.O.I.S.E. Communications Director Johnna White; tel: (202) 544-9893; e-mail: jewwhite@locklaw.com with any questions or suggestions.

***Roundtable, from p. 93***

Roundtable it was withdrawing purely for budgetary reasons. "I would welcome Daly City back as a member," he wrote.

The Grand Jury recommended that the Roundtable expand its focus to include single aircraft noise events, particularly night departures, and request that the Noise Abatement Office deploy equipment to measure and monitor both single events and structural vibration.

But Newman countered that California's Community Noise Equivalent Level (CNEL) is derived from single-event noise, weighted for time of day, and that SFO's noise monitors register every noise event and identify those events caused by an aircraft overflight.

Regarding vibration measurement, Newman said, "While the vibrations can be annoying, we are advised that there is no potential for structural damage or human health effects. We are unaware of any reasonable and cost effective way to measure structural vibration and, even if it were measured, what would be do with that data?" he asked.

The Grand Jury recommended that the Roundtable by-laws be amended to require the Chair and Vice-chair to be an

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elected official from a member city and expand membership to include a representative of the State of California, Division of Aeronautics.

Newman – who was elected to serve as chair of the Roundtable by its members – is not an elected representative and contended that the positions of chair and vice chair should open to any of the Roundtable's participating members. Newman is a licensed pilot and real estate financier and former chair of the San Mateo County Airport Land Use Committee.

Regarding the Grand Jury's criticism that the Roundtable had no "citizen representation," Newman said the Jury "seems to want it both ways here. They want citizens on the Roundtable but just not as Chair."

He also questioned the purpose of the Grand Jury's recommendation to form a subcommittee of northern San Mateo County cities on the Roundtable. "It sounds as if the authors are suggesting we have two Roundtables – one for the north part of the county and one for the rest."

Raymond Basso of Menlo Park, CA, the foreperson of the Grand Jury, told ANR that the Grand Jury felt that the cities from the southern part of the County, which he said does not get SFO noise impact, were diluting the concerns of the cities in the northern part of the County, which do.

The theme of the Jury's report, he said, was that the Roundtable was not adversarial enough in seeking noise mitigation for county residents.

Basso said he could not discuss how the Grand Jury selected the Roundtable to investigate but said enough members of the 19-person jury felt aircraft noise was a problem in their communities and felt that citizen complaints were not being addressed, although he could not point to any evidence to substantiate that claim.

Roundtable Chair Newman said he "was never contacted, interviewed, questioned, or otherwise involved during the 'extensive' review of the Roundtable's activities by this Grand Jury."

But Basso said the Grand Jury did interview several members of the Roundtable as well as employees of the airport's noise abatement office and city and county staff members.

### *In Brief...*

#### **Golden Gate Air Tour Management Plan**

FAA announced July 28 that it will prepare an Environmental Assessment for the Air Tour Management Plan Program at Golden Gate National Recreation Area, San Francisco Maritime National Historical Park, and Point Reyes National Seashore.

The agency has granted Interim Operating Authority to two commercial air tour operators to conduct air tours over these areas.

The notice can be downloaded at  
[http://www.access.gpo.gov/su\\_docs/fedreg/a110728c.html](http://www.access.gpo.gov/su_docs/fedreg/a110728c.html)

## **AIRPORT NOISE REPORT**

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 25

August 5, 2011

## Legislation

### HOUSE BILL WOULD FORCE FAA TO RESTRICT HELICOPTER PATHS, SET MINIMUM ALTITUDES

Rep. Howard Berman (D-CA) introduced legislation July 28 intended to provide Los Angeles County residents relief from what he called “the ear-shattering noise and safety concerns caused by low-flying helicopters above residential neighborhoods.”

The Los Angeles Residential Helicopter Noise Relief Act of 2011 (H.R. 2677) would force the Federal Aviation Administration to restrict helicopter flight paths and set minimum altitudes within 12 months.

“Residents deserve relief from the thunderous clacking of helicopter blades hovering directly over their homes, and instead all they’ve been getting is the runaround from government agencies,” said Berman.

“The buck stops here because it is simply unacceptable for residents to be forced to contend with these brazen helicopter operators on their own. This bill requires the regulations that will give residents the relief and increased safety they are so desperately looking for.”

“Helicopters are hovering right above our homes at all hours of the morning  
(Continued on p. 98)

## Part 150 Program

### FAA APPROVES 15 OF 19 PROPOSED MEASURES IN SAN DIEGO INT’L AIRPORT PART 150 UPDATE

The Federal Aviation Administration announced Aug. 2 that it has approved 14 of the 19 noise mitigation measures proposed in an update to the Part 150 Airport Noise Compatibility Program for San Diego International Airport.

Among the approved measures are:

- Sound attenuation of residential and other non-residential structures;
- Urge the City of San Diego to prohibit new incompatible and use development and to participate in the compatibility planning process;
- Maintain existing noise information department and Airport Noise Advisory Committee, and maintain and improve the Aircraft Noise and Operations Monitoring System;
- Design and implement a Fly Quiet Program. FAA stipulated, however, that any recommended change to existing flight procedures not approved in this Part 150 program and any flight procedures or flight tracks not already in place at San Diego International need to be separately reviewed, for reasons of aviation safety and efficiency, by the agency.

“Noise mitigation measures must be accompanied by an analysis demonstrating  
(Continued on p. 99)

## In This Issue...

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**Bob Hope Airport** ... Agreement extension allows consideration of night noise protection - p. 99

**Noise Grants** ... As of mid-July, FAA awarded 11 noise mitigation grants to airports, agency data show - p. 100

**Breaking News** ... Congressional leaders reached agreement yesterday on a plan for temporarily extending FAA’s operating authority that will allow 4,000 furloughed employees to return to work and airports to again collect airline ticket taxes.

## Legislation, from p. 97

and night. It's the wild, wild West up there and until now nobody has been taking control," noted Richard Close, President of the Sherman Oaks Homeowners Association. "Our community appreciates Congressman Berman's willingness to work with us and tackle this issue head on. This is about our quality of life and the safety and privacy of residents across the Valley. Finally, someone is listening and something is being done."

Currently, Berman said in a statement, "residents across Los Angeles are battling intrusive and disruptive low-flying helicopter traffic above their neighborhoods. San Fernando Valley residents suffer more than most from the foundation-rattling flyovers due to the heavy helicopter traffic in and out of the Van Nuys Airport. When residents have attempted to address this disturbance they've reached a dead end, unable to find a way to require helicopter operators to change their behavior."

The congressman said the FAA has refused to regulate helicopter flights above Los Angeles. "This failure to act is what allows helicopter operators to fly in a manner that creates excessive noise pollution and jeopardizes the safety and privacy of residents in their homes. Additionally, this refusal by the FAA to set regulations above Los Angeles has left residents without any means to seek and secure relief from the problem."

Berman's said his bill solves this problem "by requiring the FAA to exercise its explicit legal authority to regulate helicopter operations above Los Angeles within 12 months of being signed into law. Specifically, the bill calls for the Administrator of the FAA to set guidelines on flight paths and minimum altitudes for helicopter operators in residential areas of Los Angeles County. Exemptions would be allowed for law enforcement, emergency responders, and the US military."

Earlier this year, Sen. Charles Schumer (D-NY) successfully included an amendment to the FAA Reauthorization Bill, which passed the Senate, requiring similar regulations to helicopter operations above Long Island. That legislative precedent lays the groundwork to require regulations be put in place to curb aggressive helicopter operations above residential areas in Los Angeles, Berman said.

## Research

### NO NOISE PROJECTS INCLUDED IN ACRP 2012 RESEARCH PROGRAM

The Transportation Research Board announced the projects included in the 2012 Airport Cooperative Research Program on Aug. 2. None were focused on airport noise mitigation. However, seven ACRP airport noise mitigation projects currently are underway way and due for completion over the next several years. Following is a summary of them:

- ACRP Project 02-27, Aircraft Taxi Noise Database for Airport Noise Modeling, is expected to be completed in October 2011. Wyle Laboratories is conducting the project.
  - ACRP Project 02-24, Guidelines for Airport Sound Insulation Programs, is expected to be completed in November 2011. The project is being conducted by The Jones Payne Group.
  - ACRP Project 02-12, Environmental Optimization of Aircraft Departures, is due to be completed in November 2011. The project is being conducted by Wyle Research and Consulting.
  - ACRP Project 02-26, Assessing Aircraft Noise Conditions Affecting Student Learning, is due to be complete in the February 2012 timeframe. The project is being conducted by Wyle Research & Consulting.
  - ACRP Project 02-37, Integrated Noise Model Accuracy for GA Aircraft, is expected to be completed in February 2013. The project is being conducted by Harris Miller Miller & Hanson Inc.
  - ACRP Project 02-35, Research Methods for Understanding Aircraft Noise Annoyance and Sleep Disturbance, is being conducted by Harris Miller Miller & Hanson Inc. The completion date for this 15-month project has not been set yet.
  - ACRP Project 02-31, Assessment of Sound Insulation Treatments, is being conducted by Wyle Research & Consulting. The completion date at this point is October 2012.
- The projects included in the 2012 ACRP Program are detailed at <http://www.trb.org/ACRP/ACRP.aspx>.

## Palm Beach Int'l

### PELLEY WANTS NOISE MONITORING, CITIZENS COMMITTEE TO BE CUT

Bruce Pelly, manager of Palm Beach International Airport, is recommending that Palm Beach County commissioners eliminate the airport's noise monitoring system and the Citizens Committee on Airport Noise.

Pelly feels the noise monitoring system and the noise committee, both begun in the 1980s, have outlived their usefulness and the airport could save \$98,000 a year by cutting them.

It is no longer practical to maintain the noise monitoring system and it has become difficult to find parts to repair the 11 noise monitors in neighborhoods around the airport, he told the *Palm Beach Post*. Pelly also argued that airport managers cannot stop loud aircraft from flying regardless of how loud the plane is and that noise recorded by noise monitors cannot be used to obtain federal grant money to pay for residential sound insulation or to purchase homes in the flight path.

One of the main reasons that the noise monitoring system and committee are no longer needed is that noisy Stage 2 jets have been phased out, Pelly told the *Post*. The Airport Noise



and Capacity Act of 1990 (ANCA) required all new aircraft to meet more stringent Stage 3 noise standards and removed the ability of local governments to bar specific types of planes from their airports, he explained.

Prior to ANCA, the owners of Stage 2 jets were fined \$2,600 for departing and \$260 for landing at Palm Beach International between the hours of 10 p.m. and 7 a.m., Pelly said.

He does not argue that airplanes make noise but contends there is no reason to continue to track it. "We are willing to sign an affidavit. Yes, airplanes make noise," he told the *Post*.

The airport confirmed the accuracy of the *Post* story.

The Citizens Committee on Airport Noise (CCAN) was formed in 1982 to address noise complaints and consider ways to mitigate noise impact. However, Pelly noted that five of the committee's 13 seats are now vacant and the committee has not had a quorum since February.

The committee will discuss Pelly's proposal that it disband on Aug. 18. But committee member Nancy Pullum defended its continued existence, asserting that it acts as a clearinghouse for residents with noise complaints. "There are lots of organizations that have advisory boards to give citizens active participation in the process. That is what CCAN does," she told the *Post*.

Palm Beach County Commissioner Paulette Burdick, who represents residents near the airport, opposes Pelly's plan. "Absolutely, both the committee and the noise monitors should remain, so that all communities have a place that they can go to voice their concerns and have them addressed," she told the *Post*.

## San Diego, from p. 97

their noise benefits. Changes in flight procedures normally also need appropriate environmental analysis. Any new procedures proposed for noise abatement at SAN may not be implemented prior to a study to determine whether they can be implemented safely and efficiently, and whether they are noise beneficial," FAA said.

### Measures Not Approved

FAA "disapproved" five proposed noise mitigation measures in San Diego's Part 150 update:

- Develop and implement a left turn "over-the-Bay" departure route was disapproved because FAA said the analysis shows no effect or benefit on the Community Noise Equivalent Level (CNEL) 65 dB contour and the measure may adversely impact operational safety and efficiency;
- Encourage the FAA and airlines operating at San Diego International to Use Continuous Descent Approaches for arrivals to Runway 27 was disapproved because the analysis does not demonstrate the measure's noise benefits on the 65 dB CNEL contour, FAA said;
- Maintain westerly runway heading (275-degrees) or 290-degree heading for Runway 27 departures until one and one-half miles west of the shoreline (weather, airspace, and

safety permitting) was disapproved on the ground that the analysis does not demonstrate the measure's noise benefits on the 65 dB CNEL contour;

- Sound attenuate additional eligible residential units based on hill effects behind the start of takeoff was disapproved for purposes of Part 150 since additional information and analysis is necessary to justify the measure's noise benefits, FAA explained; and

- Cooperate with public agencies concerning air service was disapproved for purposes of Part 150 because the Federal government has no control over local land use planning and this measure is within the authority of the San Diego Regional Airport Authority and local planning jurisdictions, FAA said.

The *Federal Register* notice is available at <http://www.gpo.gov/fdsys/pkg/FR-2011-08-02/html/2011-19499.htm>.

## Bob Hope Airport

### AGREEMENT EXTENSION ALLOWS CONSIDERATION OF NIGHT NOISE

The Burbank-Glendale-Pasadena Airport Authority said Aug. 2 that it has approved an amendment and extension of its 2005 Development Agreement with the City of Burbank from 2012 to 2015 in order to allow the City and the Authority time to conduct broad public outreach aimed at reaching consensus about the future of Bob Hope Airport.

Part of this effort will be to try to identify measures "to achieve meaningful nighttime noise protection," the Airport Authority explained in May when it first voted to extend the Agreement (23 ANR 58).

In November 2009, the Federal Aviation Administration rejected the Airport Authority's Part 161 application to impose a mandatory nighttime curfew on operations at Bob Hope Airport, which would have been the first restriction on Stage 3 aircraft operations since passage of the Airport Noise and Capacity Act of 1990 (ANCA).

FAA said that sound insulation would be a more cost-effective way to mitigate nighttime noise than the curfew.

On Aug. 16, the Burbank City Council also will consider the Development Agreement amendment and extension. If approved by the City Council, the Development Agreement extension will set the stage for the City and Airport and Los Angeles, as well as other airport constituents, such as the commercial airlines and the Federal Aviation Administration, to help shape the future of the Airport.

"It is hoped the outreach will ultimately lead to a consensus that allows the City and the Authority to successfully plan for the future land use and development of the Airport, including whether or not a replacement passenger terminal should be considered," said Executive Director Dan Feger.

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## *AIP Grants*

### FAA AWARDS 11 NOISE MITIGATION GRANTS THUS FAR IN FISCAL YEAR 2011

The following grants to support airport noise mitigation projects were awarded in fiscal 2011 through July 19, according to updated information on the Federal Aviation Administration's website:

- City of El Segundo, CA, received a \$5 million grant for noise mitigation measures for residences within the 65-69 DNL contour of Los Angeles Int'l Airport;
- Los Angeles County received a \$5 million grant for noise mitigation measures for residences within the 65-69 DNL contour of Los Angeles Int'l Airport;
- City of Inglewood, CA, received a \$7 million grant for noise mitigation measures for residences within the 65-69 DNL contour of Los Angeles Int'l Airport;
- City of Chicago High School District 214 received an \$800,000 grant for design of sound insulation for Elk Grove High School near O'Hare Int'l Airport;
- Ridgewood High School received a \$1.5 million grant for design of sound insulation for the school located near O'Hare Int'l Airport;
- Ridgewood High School received a \$20.9 million grant for sound insulation construction;
- Port Authority of New York and New Jersey received a \$18,176,925 grant for sound insulation of H.P. Becton Regional School near Teterboro Airport;
- Reno-Tahoe Airport Authority received a \$2,399,169 grant for noise mitigation measures for residences within the 65-69 DNL contour of Reno-Tahoe Int'l Airport;
- City of Cleveland received a \$4,160,000 grant for noise mitigation measures for residence within the 65-69 DNL contour of Cleveland Hopkins Int'l Airport;
- City of Houston received a \$2,134,685 grant to acquire land for noise compatibility within the 65-69 DNL contour of Bush Intercontinental Airport and for noise mitigation measures for residences within the airport's 65-69 DNL contour;
- King County, WA, received a \$5 million grant for noise mitigation measures for residences within the 65-69 DNL contour of King County Int'l Airport (Boeing Field).

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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## *Indianapolis Executive*

### **ZIONSVILLE APPEALS RULING THAT AIRPORT AUTHORITY CONTROLS AIRPORT LAND USE**

On July 26, the Town of Zionsville, IN, a wealthy community near Indianapolis, appealed a Superior Court judge's ruling that the proprietor of Indianapolis Executive Airport – Hamilton County Airport Authority – controls land use on the airport property and not the town, which recently brought the airport within its jurisdiction.

The case will now be taken up by the Indiana Court of Appeals.

The appeal follows a June 28 ruling by Judge Michael D. Keele of the Marion County Superior Court that state law gives the airport authority exclusive authority to fix and determine land use at the airport.

In 1980, the Indiana Legislature passed the Airport Authority Act, which invests airport authorities in the state with the power: "To fix and determine exclusively the uses to which the airport lands may be put. All uses must be necessary or desirable to the airport or the aviation industry and must be compatible with the uses of the surrounding lands as far as practicable."

The judge said he was not persuaded by Zionsville's argument that the Legisla-

*(Continued on p. 102)*

## *Environmental Justice*

### **FEDERAL AGENCIES AGREE IN NEW MOU TO DEVELOP EJ STRATEGIES, ISSUE REPORTS**

The Obama Administration announced Aug. 4 that 17 federal agencies, including the Department of Transportation, have agreed to develop environmental justice strategies to protect the health of people living in communities overburdened by pollution and provide the public with annual progress reports on their efforts.

Poorer communities sometimes argue that increased noise and air quality impacts from airport expansions or air route changes are unfairly being moved over them.

The signing of the EJ MOU is the latest in a series of steps the Obama Administration has taken to elevate the environmental justice conversation and address the inequities that may be present in some communities. Last September, Environmental Protection Agency Administrator Lisa Jackson reconvened the Interagency Working Group on Environmental Justice (EJ IWG) for the first time in more than a decade.

In December, at the White House Environmental Justice Forum, Cabinet Secretaries and other senior Administration officials met with more than 100 environmental justice leaders from across the country to engage advocates on issues that

*(Continued on p. 103)*

## *In This Issue...*

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**Environmental Justice ...** DOT is among federal agencies agreeing to develop environmental justice strategies and annual reports - p. 101

**San Diego Int'l ...** Prototype of new Fly Quiet Program due to go online in January 2012 - p. 102

**Noise Monitoring ...** Austin-Bergstrom updates B&K ANOMS; Centennial adds WebTrak - p. 103

**NextGen ...** Airbus enters into agreement to acquire U.S.-based Metron Aviation to accelerate air traffic management programs - p. 103

**News Briefs ...** Vancouver Airport Authority has an opening for a permanent full time Environmental Analyst - Noise Management in its Environmental Dept. - 104

**Indianapolis, from p. 101**

ture only gave the Airport Authority control over how airport land is “arranged” or “configured,” or that the Legislature ‘merely added procedural steps that are still subject to Zionsville’s Zoning control.

The dispute over who controls the 525 acres of airport land began in 2010 when Zionsville merged its government with that of two townships on which the airport is located and began to try to exercise land use control over the airport.

The Board of Aviation Commissioners of Boone County originally purchased the airport land, located just over the Hamilton County line, in 2003 and agreed to restrict the airport land use through covenants. Among those covenants was one barring the addition of a new runway at general aviation Indianapolis Executive, which some Zionsville officials fear will increase noise impact on nearby residences but the Federal Aviation Administration says is needed. The airport serves business jets.

However, in December 2006, Hamilton County created an airport authority under state law and the new Hamilton County Airport Authority adopted its own airport land-use ordinance to control what goes on at the airport.

The new Airport Authority then sued Zionsville to legally clarify that it controlled airport land use.

**Covenants No Longer Valid**

Judge Keele held that the covenants between Boone County and the Aviation Commissioners “were entered into at a time when Boone County possessed zoning jurisdiction over the Airport and the Aviation Commissioners did not. The parties agreed that the continuing validity of the Covenants was dependant upon this jurisdictional relationship.”

“To enforce the Covenants, Boone County (or its successor) must have planning and zoning jurisdiction over the airport lands. That is no longer the case. The Airport Authority is a ‘municipal corporation’ that has subsequently acquired exclusive jurisdiction over the airport land” through the Airport Authority Act, Judge Keele wrote.

“There is no statute that grants Zionsville power to control the Airport,” the judge said. “Zionsville argues that its general zoning authority and the Indiana Home Rule Act give it authority over the Airport. But the Home Rule Act provides that Zionsville may only exercise a power ‘to the extent that the power ... is not expressly granted to another entity.’ Our courts have held that this prohibits a municipality from exercising its power even in its own territory when another governmental entity has been separately granted that power.”

“This case concerns not only this Airport, but the autonomy of airports across Indiana, as well as our nation, and their collective ability to function freely and safely as part of an integrated national air transportation system,” Judge Keele added.

The case is *Hamilton County Airport Authority v. Town of Zionsville, Indiana, and Zionsville Plan Commission*, No. 49D07-1006-PL-035761.

**San Diego Int’l****PROTOTYPE OF NEW FLY QUIET PROGRAM DUE IN JANUARY 2012**

San Diego International Airport (SAN) expects to have a prototype of its new Fly Quiet Program online by January 2012, according to Dan Frazee, director, Airport Noise Mitigation, San Diego County Regional Airport Authority.

The program was one of 15 measures approved by the Federal Aviation Administration on Aug. 2 in an update to the airport’s Part 150 Airport Noise Compatibility Program (23 ANR 97).

“Our new Fly Quiet Program will be a web-based system whose goal is to influence air carrier, air cargo, and general aviation operators to minimize their noise footprint while operating at SAN,” Frazee told ANR. “The program elements include metrics on fleet mix, overall number of operations per quarter (perspective), number and type of operations per quarter impacting SAN’s departure noise curfew, and number of operations diverging from local IFR procedures.”

Additionally, he said, community input tracked by number of complaints lodged against a particular operator per quarter will be shown. Aircraft will be categorized as either a major operator with greater than three arrivals/departures per day or a minor operator with less than or equal to three operations per day.

The site will rank order operators similar to the ranking methodology used by several other airports, including San Francisco International Airport, Frazee said, adding that there will be an annual formal recognition of best in each class.

Another measure approved in San Diego International’s Part 150 Program update was additional sound insulation.

“San Diego’s award winning residential sound insulation program, locally called the Quieter Home Program, has accelerated its residential insulation program from approximately 100-150 homes per year from 1997-2006 to 300-400 parcels by 2010, due largely to increased annual initial and subsequent discretionary funding from FAA Airport Improvement Program funding and additional Airport Authority matching funds,” Frazee explained.

However, he cautioned, “the present program pace is only viable if FAA funding continues at the 2010 level. Any decrease in FAA funding would significantly affect the timely insulation of the remaining approximately 9,000 noise-impacted parcels and approximately 20,000 residents within San Diego International Airport’s Noise Impact Area. At the present pace, completion of the residential insulation program will be in 2034 (23 years).”

SAN is an urban-situated single runway airport, Frazee explained. “Rising terrain on three sides and a nearby military airport limits conventional airspace and arrival/departure options. The consequence of a single-runway operations at an airport with significant airspace management restrictions acts to project aircraft noise into the same communities day in and day out.”



## Noise Monitoring

### AUSTIN-BERGSTROM DECIDES TO UPDATE B&K ANOMS SYSTEM

In July, Austin-Bergstrom International Airport decided to upgrade its Brüel & Kjær ANOMS Noise and Operations Management System.

“Austin-Bergstrom International Airport is known for its proactive community outreach and for making every effort to minimize noise disturbance from aircraft operations. By upgrading the existing noise monitoring and flight tracking system AUS will be able to take advantage of the superior precision and reliability of Brüel & Kjær’s latest model Noise Monitoring Terminals (NMTs) and the cohesive and integrated features of ANOMS,” B&K said.

“Austin-Bergstrom International Airport is pleased to continue its partnership with Brüel & Kjær. Since we began using ANOMS in 2004, the system has proven to be a valuable tool for investigating inquiries and complaints, as well as monitoring noise abatement procedures,” said Stephen Dick, Research Analyst, Austin-Bergstrom International Airport. “The upgrade will improve the quality and accuracy of information and will allow the airport to provide a higher level of customer service.”

“We are proud to be expanding our long-term relationship with Austin-Bergstrom International Airport. The airport and its neighboring communities will be receiving the most technically advanced solutions and support services suite available to manage their extensive Noise Management Program,” said Robert Brodecky, vice president, Brüel & Kjær EMS Inc.

Installation of the ANOMS System and Noise Monitoring Terminals at Austin-Bergstrom International Airport is underway.

### Centennial Adds WebTrak

In related news, Centennial Airport recently launched B&K’s WebTrak software subscription service that provides access to flight and noise data, both in real time or historical mode, via the airport’s website.

Denver International Airport hosts the WebTrak service but has partnered with the Centennial Airport Community Noise Roundtable to expand it to Centennial Airport.

## NextGen

### AIRBUS ACQUIRING METRON TO ACCELERATE ATM PROGRAMS

Airbus said July 26 that it has entered into a definitive agreement to acquire U.S.-based Metron Aviation, a leading provider of advanced Air Traffic Management (ATM) products and services.

Airbus said the acquisition strengthens its strategy to ac-

celerate and support ATM programs that will dramatically improve global air transportation capacity, efficiency, and environmental sustainability. The transaction is subject to regulatory approvals and the acquisition is expected to be completed later this year. Financial terms of the deal were not disclosed.

Earlier this year, Airbus launched subsidiary Airbus ProSky, dedicated to supporting the FAA’s Next Generation Air Transportation System (NextGen), Europe’s Single European Sky ATM Research (SESAR) and other global ATM modernization programs.

Metron Aviation provides advanced research, Air Traffic Flow Management (ATFM), airspace design, energy and environmental solutions to Air Navigation Service Providers (ANSPs), airlines and airports.

Metron Aviation is a prime contractor on System Engineering 2020 (SE-2020), the FAA’s strategic program for implementing NextGen and is performing advanced research and development work on SESAR. Metron Aviation also provides commercial ATFM solutions that optimize airspace and airport capacity for customers around the world including Airservices Australia, ATNS (South Africa), Delta Air Lines, and FedEx.

“The acquisition of Metron Aviation supports the Airbus strategy to help countries improve their ATM,” said Eric Stefanello, Chief Executive Officer of Airbus ProSky. “Together, we can provide a new level of capabilities to support NextGen and SESAR even better. Like Airbus ProSky, Metron Aviation is not an ATM equipment manufacturer, so the acquisition is a perfect fit for our approach of seeking to partner with the FAA and the world’s ANSPs.”

Metron Aviation will operate as a US subsidiary of Airbus Americas, Inc., and its Board of Directors will be chaired by Allan McArtor, Chairman of Airbus Americas and former Administrator of the FAA.

### Env. Justice, from p. 101

are affecting their communities, including reducing air pollution, addressing health disparities, and capitalizing on emerging clean energy job opportunities.

The EJ MOU reflects the dialogue, concerns and commitments made at the forum and other public events. Since her appointment, Jackson has also joined congressional leaders across the country to tour impacted communities and hear residents’ concerns.

The MOU advances agency responsibilities outlined in the 1994 Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” The Executive Order directs each of the named Federal agencies to make environmental justice part of its mission and to work with the other agencies on environmental justice issues as members of the EJ IWG.

The EJ MOU broadens the reach of the EJ IWG to include participant agencies not originally named in Executive Order 12898 and adopts an EJ IWG charter, which provides

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the workgroup with more structure and direction. It also formalizes the environmental justice commitments that agencies have made over the past year, providing a roadmap for agencies to better coordinate their efforts.

Specific areas of focus include considering the environmental justice impacts of climate adaptation and commercial transportation, and strengthening environmental justice efforts under the National Environmental Policy Act and Title VI of the Civil Rights Act of 1964.

The MOU also outlines processes and procedures to help overburdened communities more efficiently and effectively engage agencies as they make decisions.

The MOU is available online at:  
<http://epa.gov/environmentaljustice/resources/publications/interagency/ej-mou-2011-08.pdf>

For more information on the EJ IWG, go to: <http://www.epa.gov/compliance/ej/interagency/index.html>

### *In Brief...*

#### **Vancouver Seeks Environmental Analyst**

The Vancouver Airport Authority has an opening for a permanent full time Environmental Analyst – Noise Management (11-23E) in the Environment Department. This position is responsible for assisting in the development and implementation of all strategies to reduce aircraft noise exposure and further improving the performance of the YVR Aeronautical Noise Management Program. Working as part of a multi-disciplinary team, you will use your unique combination of exceptional people skills and analytical ability to support the implementation of noise management programs and projects.

Key qualifications include a Bachelor's degree in Science, Environmental Studies or Engineering; three years' experience in noise measurement and assessment, as well as, noise, technical report preparation and environmental communication. Proven experience with customers and dealing with the public. Demonstrated facilitation and project management experience.

Vancouver Airport Authority, one of BC's Top 55 Employers for the fifth year in a row, is a community based, not-for-profit organization that manages and operates Vancouver International Airport (YVR). YVR is Canada's second busiest airport, serving 16.8 million passengers, handling 228,000 tonnes of cargo and 293,877 runway take-offs/landings in 2010.

To apply, please visit the Vancouver International Airport website - <http://www.yvr.ca/en/about/careers/Current-Opportunities.aspx>

Contact Mr. Mark Cheng at 604-276-6366 or at [Mark\\_Cheng@yvr.ca](mailto:Mark_Cheng@yvr.ca) for more information.

## AIRPORT NOISE REPORT

**Anne H. Kohut**, Publisher

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 27

August 19, 2011

## Research

### HMMH BEGINS WORK ON ACRP PROJECT TO ASSESS INM ACCURACY FOR GA AIRCRAFT

The environmental consulting firm Harris Miller Miller & Hanson Inc. announced recently that it has begun work on an Airport Cooperative Research Program project that will assess the accuracy of the Federal Aviation Administration's Integrated Noise Model (INM) for general aviation aircraft.

"Many of our clients anticipate that the results of this project will improve and validate noise modeling results of GA aircraft operations," said HMMH's Gene Reindel, who serves as principal investigator for the project. "Airports require accurate aircraft noise exposure contours and they need to know the contours represent the actual aircraft noise environment."

TRB noted in a summary of the project that, although the FAA has developed and continuously improved its INM since the 1970s, the focus of these improvements has been on the sound level database for large commercial jets.

"Information from some general aviation (GA) airports suggests INM has over predicted GA noise impacts resulting in an inaccurate representation of noise contours. These disparities can lead to noise contours that do not reflect actual sound  
(Continued on p. 106)

## LAX

### BOARD AWARDS \$5.6 MILLION TO EL SEGUNDO TO INSULATE 406 HOMES IN SETTLEMENT

On Aug. 15, the Los Angeles Board of Airport Commissioners awarded a \$5,587,500 grant to the City of El Segundo to help fund sound insulation of 406 dwelling units (single and multi-family residences) included in a 2006 settlement agreement under which Los Angeles World Airports (LAWA) agreed to provide annual noise mitigation grants to several cities, including El Segundo.

The LAWA grant will be combined with three Federal Aviation Administration grants totaling \$12,790,345 that will enable El Segundo to soundproof the estimated 406 residences.

Of those 406 dwelling units, 42 are no longer considered eligible for FAA funding because they are located outside an updated 65 CNEL contour line that serves as the eligibility boundary for the Los Angeles International Airport Residential Sound Insulation Program, so LAWA is allocating \$2,389,914 of its nearly \$5.6 million grant to pay the entire cost of soundproofing those 42 residences.

The project cost covers all acoustical, architectural, engineering, construction and administrative activities. Construction contractors typically install double-paned windows, solid-core doors, fireplace doors and dampers, attic baffles, insula-

(Continued on p. 107)

## In This Issue...

**Research** ... HMMH begins work on an ACRP project that will assess the accuracy of FAA's INM for general aviation aircraft - p. 105

**LAX** ... Board of Airport Commissioners awards \$5.6 million grant to El Segundo for insulation of 406 residential units; FAA will provide \$12.7 million - p. 105

**Buffalo Niagara Int'l** ... Congressman asks FAA to allow block-rounding in airport's residential sound insulation program in light of shrunken contours - p. 106

**ACRP** ... TRB seeks potential topics for FY 2012 Synthesis Program - p. 107

**News Briefs** ... Curtis Holsclaw is the new Deputy Director of FAA's Office of Environment and Energy ... Safety trumps noise, a SC judge explains in allowing trees on Hilton Head Island Airport property to be cut ... Workshops held on the Part 150 program for Southwest Florida Int'l Airport - p. 108

## Research, from p. 105

levels, which, in turn, may compromise compatible land use planning and result in unnecessary funding of noise mitigation. Research is needed to determine the accuracy of INM in predicting GA noise impacts, identify causes for these disparities, and identify potential solutions to improve the model and its use,” the TRB summary explained.

HMMH said it was selected to lead the research team conducting ACRP Project 02-37: Integrated Noise Model (INM) Accuracy for General Aviation (GA) Aircraft, which will be funded at a level of \$350,000.

The goal of the 20-month research effort, HMMH said, is to:

- Assess INM accuracy for GA aircraft by comparing modeled noise levels to correlated measured noise levels from a collection of aircraft flight tracking and identification data within existing noise and operations monitoring systems (NOMS) at a number of airports;
- Identify causes of inaccuracies through a series of comparisons of INM-computed GA aircraft levels with measured levels for a number of GA aircraft types and modifying the INM input assumptions for each comparison;
- Identify solutions for a number of GA aircraft types by demonstrating the degree and type of modification that will most efficiently remove or minimize any statistical difference between the computed and measured values; and
- Derive implementation steps based on solution priorities.

HMMH said it “will rely on our extensive working with the INM modeling, testing the accuracy of the INM, aircraft performance and certification, access to and use of permanent monitoring system noise and radar data and our ability to model individual flight tracks in an automated fashion.”

## Buffalo Niagara Int'l

### CONGRESSMAN ASKS FAA TO ALLOW BLOCK-ROUNDING IN SIP

Shrunk noise contours on an updated noise exposure map for Buffalo Niagara International Airport means that 242 properties are no longer eligible for the airport's residential sound insulation program.

In response to complaints from homeowners cut from the program, some located in the 64 DNL contour on the new map, Rep. Brian Higgins (D-NY) asked the FAA to allow “block-rounding” to be used in the airport's insulation program.

Long-standing FAA guidance permits Airport Improvement Program (AIP) grants to be used to sound-insulate homes located outside of the 65 DNL contour that are contiguous to homes within the noise-impacted area “if necessary to achieve equity in the neighborhood”.

Block-rounding is allowed to avoid situations where

homeowners on one side of a street, within the 65 DNL contour, get sound insulation and their neighbors across the street, within the 64 DNL contour, do not.

The use of block-rounding “would result in a much more fair and cohesive representation of where the impact of aircraft noise is actually felt most strongly in the neighborhoods immediately surrounding BNIA,” the congressman told FAA Associate Administrator for Airports Christa Fornarotta in an Aug. 3 letter.

“It would also go a long way in resolving the issue of fairness for many neighbors who are justifiably perplexed as to why their homes may no longer be eligible for upgrades, when the level of noise from aircraft flying overhead has not perceptibly changed in a material way, which is suggested in the draft map,” Rep. Higgins wrote.

Regarding the updated noise map, which has been submitted to the FAA for approval, Higgins told the FAA, “It remains my contention that the proposed map is under-inclusive in its effect, too narrow in scope in its consideration of potential future air traffic, and unfair to the residents there that have been previously led to believe they would be eligible for noise mitigation upgrades under a 2003 map.”

The updated noise exposure map is based on 2008 data and projects noise impact in 2013. It will replace an earlier map based on 2003 data.

Some 440 properties around the airport already have been insulated and 545 remain eligible for insulation. Thus far, approximately \$28.5 million has been spent on the program. The local share comes from a \$4.50 Passenger Facility Charge.

Under the program, the average cost for insulating a home is \$30,000, and includes new windows and doors, insulation and improved ventilation and air conditioning systems.

William Vanacek, director of aviation for the Niagara Frontier Transportation, told *BuffaloNews.com* that his agency understood that it is difficult for neighbors who are frustrated that they are no longer eligible for sound insulation to see their neighbors just down the street getting insulation.

“To the human ear, if you're 50 feet or 100 feet over the line, you can't tell the difference,” he told the paper. “The problem, of course, that we're faced with is that the FAA has rules and restrictions, and they have to draw a line somewhere.”

“Some of the homes that have been removed from program eligibility may never have actually had noise levels that made them eligible,” Vanacek told the paper. “That's because the initial 2003 study predicted higher levels of activity at the airport than actually happened.”

Airport officials told ANR they are aware of block-rounding but have no plans to employ it in their sound insulation program.



*Research***TRB SEEKS POTENTIAL TOPICS FOR FY 2012 SYNTHESIS PROGRAM**

The Airport Cooperative Research Program (ACRP) is seeking potential synthesis topics for the Fiscal Year 2012 ACRP Synthesis Program. The closing date for submitting synthesis topics is September 16, 2011.

Syntheses are state-of-the-practice reports prepared under contract by outside individuals or firms. The reports seek to locate and assemble information; to learn what practice has been used; to identify ongoing and recently completed research; to learn what problems remain largely unsolved; and to organize, evaluate, and document the useful information acquired. They do not undertake new research, nor do they contain policy recommendations.

Two Synthesis Program projects already have been completed on the topic of aircraft noise: one addressed the effects of aircraft noise and the other is a compilation of airport noise programs in areas outside DNL 65. There currently are no noise projects underway in the Synthesis Program.

Syntheses document and describe current practice in a given area, highlight practices that are viewed as successful by many of the entities surveyed in developing the synthesis, or that are characterized as such in the literature reviewed by the synthesis author. They are most valuable when they are focused on issues common to many organizations. The only recommendations that are permitted in a synthesis are recommendations for needed research.

The topics received from this solicitation will form the basis for selection of the annual ACRP Synthesis Program. They are not proposals to conduct the research but are used to identify potential topics only. Please review current ACRP synthesis topics so as to avoid duplication or overlap.

An oversight panel governs the ACRP Synthesis Program. The panel will meet in the fall 2011 to select up to seven (7) synthesis topics for the fiscal year 2012 synthesis program. In preparation for this selection process, this industry-wide solicitation for potential synthesis topics is being conducted. A suggested format for electronic submittal of a synthesis topic is included in the solicitation memo. The preferred method for submitting an ACRP synthesis topic is by the online proposal form.

A synthesis topic may also be submitted via FAX to (202) 334-2006 or e-mail to msalamone@nas.edu.

***LAX, from p. 105***

tion and other elements to achieve a noise-level reduction of approximately one-half in a home's interior.

Last July, the FAA informed El Segundo that it would not provide sound insulation funding for homes located outside an updated 65 CNEL noise contour line, based on predicted noise contours for 2015, on the Master Plan for LAX that serves as the eligibility boundary for participation in the LAX

Residential Sound Insulation Program.

The FAA, LAWA, and El Segundo began working late last year on a deal under which some of the 2,689 homes that lost their eligibility for soundproofing due to the shrunk noise contour could regain eligibility.

In December, the city reached an agreement with the FAA and LAX that recognized that homes located just outside the updated 65 CNEL eligibility line could be soundproofed but only with airport, not FAA, funds (22 ANR 186).

**Grant Meets Terms of 2006 Settlement**

LAWA said its \$5.5 million grant to El Segundo is in accordance with the LAX Master Plan Stipulated Settlement reached on Feb. 16, 2006, with the City of Segundo and six other entities, which called for specified annual noise-mitigation grants.

This allocation satisfies LAWA's funding requirement for the City of El Segundo for calendar year 2010. Since entering the settlement agreement, the City of El Segundo has received sound-insulation grants from LAWA totaling \$20,487,500, according to LAWA. To date, El Segundo has sound insulated 1,030 dwelling units with approximately 3,500 units remaining.

Grants are paid from LAWA's operating revenues or from passenger facility charges of \$4.50 that are collected for every enplaned passenger at LAX.

Under the 2006 settlement agreement between LAWA, the City and County of Los Angeles, the cities of El Segundo, Culver City, Inglewood, and a community group opposed to the expansion of LAX, LAWA did not agree to fund the sound insulation of a set number of homes in El Segundo; it only agreed to funding levels for soundproofing work.

It is not known how many homes outside the updated 65 CNEL contour line will be sound-insulated by LAWA but FAA made it clear that it will not fund insulation of them..

The number of El Segundo homes beyond the 65 CNEL contour that will be sound-insulated will largely depend on how many dwelling units the city can complete by the end of 2015, which is the end date the FAA established for LAWA to use its own funds pay for insulation of those properties outside the current FAA funding contour.

The average cost to soundproof a single-family home in the City of El Segundo is approximately \$45,000, while a multi-family residence is approximately \$30,000 per dwelling unit.

***In Brief...*****Holsclaw Is New Deputy Director of AEE**

Curtis Holsclaw is the new Deputy Director of the Federal Aviation Administration's Office of Environment and Energy (AEE). He has served as the Acting Deputy Director since April.

"Curtis has 30 years of experience, encompassing assignments in industry and Federal service," Executive Director of

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the Office Lourdes Maurice said in announcing the appointment.

"During the last 19 years, Curtis has been a Manager in the Federal Aviation Administration Office of Environment and Energy. His experience covers all aspects of environmental issues, including oversight and enforcement of Federal environmental regulations, research and development, and international environmental policies and standards. AEE and APL [Airport Planning] are very fortunate to have someone of Curtis' caliber in this position."

### Safety Trumps Noise, Judge Rules

On Aug. 17, a Beaufort County, SC, judge lifted a stay that barred the County from trimming and cutting trees at Hilton Head Island Airport that U.S. Airways, the airport's only commercial carrier, said posed a hazard to aircraft operations.

St. James Baptist Church had fought a legal battle to prevent the tree cutting, asserting that the trees acted as a noise and visual barrier.

The church appealed a May ruling by Beaufort County Master in Equity Marvin Dukes III upholding a permit to cut the trees, which are located on airport property at the north end of the runway. The stay came with the appeal.

In his May 13 order allowing the tree-cutting, Dukes said that the church failed to prove that it would be damaged by the work. In an e-mail to the church, Dukes said he was sympathetic to the church members' concerns about increased noise impact but said airport safety trumped those concerns.

"I similarly can take notice of the obvious fact that the occupants of an aircraft crash-landing in an open field have an immensely better chance of survival (than) those of an aircraft which hits trimmed trees," Dukes told the church. "This issue involves both safety and the efficient and reasonable expenditure of public funds versus noise. In such a contest, public safety must prevail."

### SW Florida Int'l Holds Workshops on Part 150 Study

ESA Airports, consultant for the Lee County Port Authority, held four public information workshops the week of Aug. 15 to present information on the Part 150 Noise and Land Use Compatibility Study for Southwest Florida International Airport.

Information was presented on flight operations at the airport, the noise process, and the technical analyses completed to date. Additional workshops will be held in the fall and next spring to ensure the opportunity for participation by seasonal residents.

In October 2008, the FAA put an RNAV approach into effect at the airport that altered flight paths and caused widespread noise complaints. In the spring of 2010, the agency agreed to fine-tune the RNAV to lessen its noise impact (22 ANR 46).

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 28

September 2, 2011

## Hillsboro Airport

### NINTH CIRCUIT SAYS FAA FAILED TO TAKE 'HARD LOOK' AT INDIRECT RUNWAY IMPACTS

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit, with one judge dissenting, ruled Aug. 26 that the FAA had failed to take the "hard look" required by law at the indirect environmental impacts of constructing a third runway at Hillsboro Airport (HIO), the busiest airport in Oregon and a reliever for Portland International Airport.

In biting remarks, the two-judge majority refused to defer to FAA's expert opinion that a new runway at HIO would not result in increased demand to use the airport – calling it unsubstantiated – and rejected the contention of federal government attorneys that current case law dictates that the FAA need not account for the growth-inducing effects of a runway project designed to alleviate current airport congestion.

"Our cases" the majority opinion asserts, "have consistently noted that a new runway has a unique potential to spur demand, which sets it apart from other airport improvements, like changing flight patterns, improving a terminal, or adding a taxiway, which increase demand only marginally if at all."

(Continued on p. 110)

## PARTNER

### PROJECT WILL USE MEDICARE DATA TO STUDY LINK BETWEEN AIRPORT NOISE, CV DISEASE

Harvard and Boston University Schools of Health will conduct the first national-scale study of health impacts of airport noise in the United States under a new project just announced by the research consortium PARTNER (Partnership for AiR Transportation Noise & Emissions Reduction).

They will use national data on Medicare enrollees and noise contours surrounding each of 95 airports to evaluate the linkage between aviation-related noise and hospital admissions for cardiovascular disease.

"Few studies to date have characterized the influence of aviation-related noise on health outcomes relevant to benefit-cost analyses, such as mortality or health care utilization, and very little work has been done in the U.S.," a summary of project explains.

"To our knowledge, no major U.S. study has estimated the association between long-term exposure to noise and cardiovascular outcomes while accounting for the potential confounding from air pollution and socioeconomic determinants of health.

In PARTNER Project 44, the researchers will construct a variety of exposure metrics for noise and link these metrics with zip code-level data on air pollution ex-

(Continued on p. 112)

## In This Issue...

**Litigation ...** In a rare legal loss for the FAA in an airport expansion case, a panel of the U.S. Court of Appeals for the Ninth Circuit refuses to defer to the agency's opinion that a new runway at Hillsboro Airport will not increase demand, saying it is unsubstantiated, and sends the EA on the project back to FAA for further study - p. 109

**Research ...** PARTNER announces a new project that will use data on Medicare enrollees and noise contours for 95 airports to evaluate the link between aviation-related noise and hospital admissions for cardiovascular disease - p. 109

**Airlines ...** ATA calls on the FAA to accelerate its timetable for implementing new and more efficient air traffic procedures and to streamline the NEPA review process - p. 111

**News Briefs ...** FAA approves production of the Boeing 787 Dreamliner - p. 112

*Hillsboro, from p. 109*

“... Thus, even if the stated purpose of the project is to increase safety and efficiency, the agencies must analyze the impacts of the increased demand attributable to the additional runway as growth-inducing effects falling under the purview of [the National Environmental Policy Act],” the court wrote.

The FAA and Department of Justice are correct to point out that the Ninth Circuit has recognized that “[w]hen it comes to airport runways, it is not necessarily true that ‘if you build it, they will come’,” the majority wrote. “But whether this is true or not [at HIO], we do not know because the agencies failed to take the required ‘hard look’ ... and failed to conduct a demand forecast based on three, rather than two runways at HIO.”

The Court remanded the Environmental Assessment (EA) done on the Hillsboro runway to the FAA for further study. It is unclear at this point whether the FAA or Department of Justice will seek a rehearing of the case before the full Ninth Circuit or whether the FAA now feels obligated to prepare a full Environmental Impact Statement on the project. FAA only prepared an EA on the new runway and issued a Finding of No Significant Environmental Impact (FONSI).

The main argument made by petitioners in the case (three airport neighbors) is that adding a new runway at Hillsboro Airport would result in increased demand to use the airport and that the Environmental Assessment FAA prepared for the runway is deficient because it fails to consider the impact of the indirect effects from this increased demand. The petitioners challenged the FAA order approving the new runway and the agency’s decision not to prepare a full EIS on the project.

Indirect effects are those environmental impacts that are caused by the action and occur later in time or are farther removed in distance but are still reasonably foreseeable.

### FAA’s Word Not Entitled to Court’s Deference

“The agencies [FAA, DOJ] first line of defense is that the project will not have growth-inducing effects on aviation activity,” Circuit Judges Betty B. Fletcher and Richard A. Paez said in the opinion, which was written by Judge Fletcher. “They contend that, according to their forecast, aviation activity at HIO is expected to increase at the same rate regardless of whether a new runway is built or not. And they repeatedly point out that the FAA’s expertise in forecasting air transportation demand is an area where courts accord significant deference.”

But, the majority opinion continues, “The agencies cannot point to any documents in the record that actually discusses the impact of a third runway on aviation demand at HIO. Tellingly, the Aviation Demand Forecasts chapter of the HIO Master Plan does not even mention the number of runways at HIO in its almost 50 pages, although it recognizes that aviation demand is affected among other factors, by ‘the nature of available facilities’.

“In essence the agencies would like this court to take their word for it and not question their conclusory assertions in the

EA that a new runway would not increase demand. Their word, however, is not entitled to the significant deference that courts give aviation activity forecasts actually performed by the FAA.”

“As part of the same strategy the agencies contend that, while a new runway at a major hub airport might enable airlines to schedule an increased number of connecting flights, thus increasing demand, a new runway at a GA airport is unlikely to attract more private aircraft. The agencies do not explain why this is so and do not refer to anything in the record backing their contention.

“It strains credulity to claim that increasing HIO’s capacity significantly, which in turn would decrease congestion and delay, would have no bearing on the decision of flight schools, the military, emergency medical services, and business and private owners over whether to locate their aircraft at HIO or at other, considerably less busy, GA airports in the area.

“Ironically, while the pilot survey used to support the HIO Master Plan inquired whether the pilots would consider the availability of rental car services and restaurants in choosing HIO over other airports, it did not inquire whether they would consider a new runway when making that decision.”

Circuit Judge Sandra S. Ikuta dissented from the majority opinion. “In sum, the FAA did not err in not addressing the question whether the third runway would have an additional growth-inducing effect. In holding otherwise, the majority ignores the deference we owe to agency decisionmaking and substitutes its own completely unsupported intuition about airports,” Judge Ikuta wrote.

The case is *Michelle Barnes, Patrick Conroy, Blaine Ackley v. U.S. Department of Transportation, et al* (No. 10-70718). It can be downloaded at <http://www.ca9.uscourts.gov/datastore/opinions/2011/08/25/10-70718.pdf>.

ANR asked the Port of Portland, which intervened in the Petition for Review of an FAA Order, to comment on the Ninth Circuit’s ruling but has not yet received a reply. DOJ and FAA also have not commented on the ruling.

### FAA Must Mind Its P’s and Q’s

The Ninth Circuit panel’s decision is significant but is not a fundamental shift in the law, John Putnam of the Denver office of Kaplan Kirsch and Rockwell told ANR.

It means that FAA must show its work, he said. The judge was not convinced that FAA had shown that the new runway would not induce growth. FAA needs to present a rational discussion based on facts and agency expertise regarding the potential for induced growth from a new runway. The decision requires the FAA and airports to say everything they can to support a conclusion that there will not be induced growth from a new runway.

It is worth noting, he said, that FAA has not been monolithic in its view that new runways will never induce growth. The agency has acknowledged in some cases that could be the result.



But Putnam said he feels the ruling is significant because it is one more instance of FAA taking a loss in court, which is extremely rare. “FAA’s invulnerability has been breached before but this [ruling] reinforces that the agency is mortal and must mind its Ps and Qs.”

The ruling reflects the court’s skepticism of the contention that induced growth is not possible with a new runway. That has been a controversial issue between airports and communities for a long time. This court took a different tack on it than others and that is noteworthy, Putnam told ANR.

Also, he said, it is the first case where a court has reflected on language used by FAA regarding greenhouse gas emissions. The Court did not find reason to go deeper into the GHG issue, he said. “That is good news for FAA, showing that the agency has found the right balance and approach in the current regulatory environment.”

The petitioners had asserted that the EA on the new runway at Hillsboro Airport was deficient because its analysis of greenhouse gases was not specific to the airport locale and because the project’s greenhouse gas effects are highly uncertain.

But the Court disagreed, noting that the effects of greenhouse gases on climate is a global problem.

“First, there is ample evidence that there is a causal connection between man-made greenhouse gas emissions and global warming,” the court said.

“Second, the EA includes estimates that global aircraft emissions account for about 3.5 percent of the total quantity of greenhouse gas from human activities and that U.S. aviation accounts for about 3 percent of total U.S. greenhouse gas emissions from human sources. Because HIO represents less than 1 percent of U.S. aviation activity, greenhouse emissions associated with existing and future aviation activity at HIO are expected to represent less than 0.03 percent of U.S. based greenhouse gases. Because this percentage does not translate into locally-quantifiable environmental impacts given the global nature of climate change, the EA’s discussion of the project in terms of percentages is adequate. The project’s effects are not highly uncertain.”

The Court left open the question of whether FAA will have to do a full EIS on the new runway project at Hillsboro, Putnam noted. He said he is skeptical that there will be enough induced growth from the new runway to cause the significant environmental impact that would trigger a full EIS.

### **‘Back to the Drawing Board’**

The Ninth Circuit’s ruling requires the FAA to go back to the drawing board and disclose the expected indirect environmental impacts of constructing an additional runway at the Hillsboro Airport, said Eugene, OR, attorney Sean T. Malone, who represents the petitioners. “Whether this impact is significant, thus requiring a more rigorous Environmental Impact Statement, will likely be an issue addressed on remand.”

Malone said in a statement that he was “pleased with the Court’s thoughtful and well-reasoned opinion.” Petitioners

Blaine Ackley, Patrick Conry, and Michelle Barnes echoed those sentiments and extended their gratitude to the Court for hearing this case and to Mr. Malone for representing them.

Malone said he was “happy to see citizens willing to stand up for their rights under this nation’s federal environmental laws so that agencies would fully and candidly disclose the environmental impacts of their actions. Without the Petitioners’ willingness to challenge the unfounded conclusions, the agencies’ violations would have gone unnoticed. The Petitioners should be commended for their efforts and success.”

Michelle Barnes, one of the petitioners in this case, was the plaintiff in a lawsuit that ended in November 2010 with the Oregon Court of Appeals issuing a final order upholding an Oregon Land Use Board of Appeals (LUBA) ruling striking down a Hillsboro city ordinance that imposes aviation easements on approximately 7,000 property owners near Hillsboro Airport (22 ANR 162). LUBA held the aviation easements were unconstitutional on their face.

## **Airlines**

### **ATA ASKS FAA TO ACCELERATE NEW AIR TRAFFIC PROCEDURES**

The Air Transport Association of America on Aug. 29 called on the Federal Aviation Administration (FAA) to accelerate its timetable for implementing new and more efficient air traffic procedures, which it called a key pillar of a needed National Airline Policy.

“Near-term FAA action will help government focus on priorities that can provide immediate economic – and importantly – customer-service benefits,” said ATA President and CEO Nicholas E. Calio in a speech to the Boyd Group International Aviation Forecast Summit. “The airline industry faces daunting levels of taxation and regulation, and not addressing these matters quickly stifles our ability to further drive economic growth and puts us at greater risk to foreign competition.”

As a first step toward executing a National Airline Policy, the ATA called on the Obama Administration and the FAA to focus its resources on expediting the most cost-beneficial elements of NextGen, including performance-based procedures. Other priorities include the following:

- An accelerated one-year implementation schedule for the FAA Navigation Procedures Project (NAV Lean);
- Streamlining the National Environmental Policy Act (NEPA) review processes to expedite the development and implementation of Performance-Based Navigation (PBN) and other environmentally beneficial and fuel-saving NextGen procedures; and
- Development of metrics to gauge the outcome and performance of the government’s implementation of NextGen capabilities and procedures.

“We are at an inflection point,” Calio said. “We can do

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what we have always done and get the same results. Or, we can do something different, to a different outcome, one that benefits our customers, our employees, and yes, even our shareholders. One that ensures we can be globally competitive and create, maintain and grow American jobs.”

***PARTNER, from p. 109***

posures, population demographics, socioeconomic factors, and other individual-level and zip code-level covariates.

They will construct “Bayesian hierarchical models” to estimate health risks associated with noise in the vicinity of each airport, capturing health impacts in aggregate and by location. Wikipedia defines Bayesian models as “a powerful tool for expressing rich statistical models that more fully reflect a given problem than a simpler model could.”

“We use these models to consider the health effects of noise exposure on hospital admissions for cardiovascular disease in total and for multiple specific endpoints, and we examine evidence for differential effects by key co-morbidities and various effect modifiers. We also explore interactions between air pollution and airport-related noise for cardiovascular effects,” the project summary notes.

The outcome of the project is expected to be the first national-scale investigation of health impacts of airport noise in the United States. “Conclusions regarding airports where health impacts appear more significant and where future investigations may be warranted,” the project summary notes.

The lead investigators for the project are Jonathan I. Levy, Boston University School of Public Health, and Francesca Dominici, Harvard School of Public Health. The FAA program manager will be Natalia Sizov.

PARTNER Project 44 is entitled Aviation-Related Noise Effects on the Elderly. It is unclear when results of the study will be published.

***In Brief...***

**FAA Approves Production of Boeing 787**

FAA announced Aug. 26 that it has approved production of the Boeing 787 Dreamliner, the world’s first major airliner to use composite materials for most of its construction, more than 50 percent by weight.

“The Boeing 787 Dreamliner is an incredible technological achievement – one that sets a new standard for innovation,” said U.S. Transportation Secretary Ray LaHood. “The new engine technology is fuel-efficient and reduces noise, minimizing the impact on the environment. Those are key to meeting our NextGen goals.”

## AIRPORT NOISE REPORT

Anne H. Kohut, Publisher

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 29

September 9, 2011

## *Ft. Lauderdale-Hollywood Int'l*

### **BROWARD COUNTY, DANIA BEACH PROPOSE SETTLEMENT TO END RUNWAY LITIGATION**

After four months of mediation, the City of Dania Beach and Broward County, FL, have proposed a settlement agreement that would end 20 years of litigation over the extension of the south runway at Ft. Lauderdale-Hollywood International Airport, which is being done to reduce delay but brings the runway closer to homes in the city.

The proposed agreement was designed to provide options for the approximately 80 percent of homeowners in the runway's 65 DNL and higher noise contours who said in a recent survey that they want to sell their homes and would allow them to more quickly relocate.

It also is designed to dissuade current property owners and bar future property owners from filing inverse condemnation lawsuits against the County over noise and other impacts of the new runway.

Dania Beach officials sought to get the best deal they could for residents and to end the litigation over the runway, which has consumed the city for 20 years.

"That runway's never going to be stopped," former Dania Commissioner Bob  
(Continued on p. 114)

## **ACRP**

### **TRB SELECTS VHB, INC. TO DEVELOP TOOLS FOR AIRPORT SUSTAINABILITY PRACTICES**

The consulting firm Vanasse Hangen Brustlin, Inc. has been selected by the Transportation Research Board to conduct an 18-month Airport Cooperative Research Program (ACRP) project that will develop tools for evaluating, measuring, and implementing airport sustainability practices.

The 18-month effort is being funded at a level of \$600,000 and is scheduled for completion in late December 2012.

The project has three goals:

- To develop a decision tool for airports to identify, evaluate, prioritize, and select sustainability practices;
- To develop a prototype sustainability rating system to help airports and their stakeholders gauge sustainability performance; and
- To evaluate the viability of implementing the rating system and an associated voluntary airport sustainability certification program.

The VHB research team currently is soliciting opinions from airports, airport tenants, regulators, and consultants on sustainability practices. Stakeholders will be asked to complete an on-line survey, telephone interviews, or join an on-line focus

(Continued on p. 115)

## *In This Issue...*

***Ft. Lauderdale-Hollywood Int'l ...*** A proposed settlement agreement between Broward County and Dania Beach would end 20 years of litigation over the south runway extension. It proposes a novel "Early Benefit Component" to the standard sales assistance program designed to speed up the process of selling homes in the high noise area - p. 113

***Sustainability ...*** Vanasse Hangen Brustlin, Inc. has been selected by TRB to conduct an ACRP project that will develop tools for evaluating, measuring, and implementing airport sustainability practices. The firm is soliciting opinions from stakeholders on those practices - p. 113

***Military ...*** An historic agreement between the Department of Defense and the FAA establishes Optimized Profile Descent (OPD) procedures at Joint Base Charleston, SC, which will reduce noise, fuel costs, and emissions - p. 115

### ***Ft. Lauderdale, from p. 113***

Anton told the Fort Lauderdale *Sun-Sentinel*. He is now a member of the Airport Advisory Board and voted in favor of the settlement agreement.

“Longtime runway fighters Anton and Anne Castro, a Dania Beach city commissioner who helped mold the settlement in court-ordered mediation with Broward, said this is as good as it’s going to get,” the *Sun-Sentinel* reported. “This isn’t my best outcome. I really feel like I failed ... But I also feel I got everything they’re going to give me,” Castro said at a recent Airport Advisory Board meeting, the paper reported.

Dania Beach challenged the FAA’s Record of Decision approving the runway extension project but, at the end of 2010, a federal appeals court upheld the ROD (23 ANR 1).

### **Novel Component of Sales Assistance Program**

The proposed settlement includes a novel “Early Benefit Component” of the Standard Sales Assistance Program under which the County will give homeowners 20 percent of their property’s fair market value in exchange for the property owners signing a “Conveyance and Release Agreement,” which is similar to an avigation easement but more encompassing.

Broward County Airport Director Kent George said that, to the best of his knowledge, this “Early Benefit Component” has not been offered before at any other airport.

Property owners who participate in the Early Benefit Component are not required to sell their homes and may participate in the residential sound insulation program but they are required to sign the Conveyance and Release Agreement which:

- Gives the County “a continuing and perpetual public right of free, unrestricted, and unobstructed flight over the property now and in the future;
- Waives all rights of property owners to receive any damages from the County on account of noise, vibrations, aircraft lights, fumes, dust or other particulate matter, fuel particles, fear, interference with sleep, enjoyment and communication, and any and all other effects”;
- Gives the County the right to prevent the property owner from obstructing the airspace beginning 60 feet above their property with structures or vegetation and allows the County to remove anything that obstructs that airspace; and
- Requires that the Conveyance and Release to run with the land in the deed.

Some 857 residences are eligible to participate in either component of the Sales Assistance Program. However, an “absorption study” done by the County concluded that, because of market conditions in the area, only about 22 homes per year can participate in the Standard Sales Assistance Component of the program. At that rate it would take almost 39 years for the 857 eligible homes to be processed through the Standard Sales Assistant Program.

To give homeowners an option to this decades-long wait, the County and City of Dania Beach agreed to the Early Ben-

efit Component, which will significantly speed up the process of allowing homeowners to move out of the area.

Details of the Sales Assistance Program are included in the proposed settlement agreement, which can be downloaded from the City of Dania Beach website: <http://www.ci.dania-beach.fl.us/index.aspx?NID=1137>

The proposed settlement agreement also would provide sound insulation for approximately 1,706 residential units in the 65+ DNL noise contour plus adjacent areas within the natural boundaries and neighborhood blocks identified in FAA’s 2008 Record of Decision on the project. However, such “block-rounding” would not be offered to property owners eligible for the Sales Assistance Program.

The proposed settlement requires the unanimous approval of the Dania Beach five-member City Council, which is expected in two votes in late September and early October. Then the Broward County Commission must pass it by a majority vote.

And, the settlement will only be finalized if the FAA approves the soundproofing and sales assistance programs, the transfer of several vacant properties to the city, and a voluntary night closure of the new runway from 10 p.m. to 5 a.m..

However, the limitation on the runway use, which has many caveats, would only remain in effect until the completion of a new Part 150 study, which Broward County has agreed not to initiate until 18 months after the extended south runway is opened. The County will recommend in the study the continuation of the night closure of the runway.

Of course, FAA is free to reject that proposed noise mitigation measure, as it does most operational restrictions proposed in Part 150 programs.

### **Dania Beach Commitments**

While Dania Beach lost its challenge to FAA’s ROD approving the runway extension, it did win an earlier state court case in which a 1995 Interlocal Agreement with Broward County was made part of the court’s judgment.

That earlier agreement also restricted night use of the extended runway and stipulated that the County cannot construct the south runway extension unless FAA also agrees to restrictions on its use at night. The agency has not done that.

In October 2010, Dania Beach asked the state court to enforce the judgment which included the 1995 Interlocal Agreement and its runway restrictions.

Under the proposed settlement, Dania would agree to dismiss the current litigation regarding the 1995 Interlocal Agreement and not to challenge the projects approved by the FAA in the ROD on the runway extension and the terminal redevelopment scenarios identified in a 2010 Airport Master Plan.

Broward County would remain the local government with land use authority over the airport. The new settlement would replace the 1995 Interlocal Agreement.



## *Sustainability, from p. 113*

group. Those volunteering to participate in the study will have an opportunity to provide input from their experiences and influence the future of airport sustainability.

To register for the stakeholder outreach program, go to <http://www.vhb.com/acrp%2Dsustainability/>

“Airport sustainability encompasses a wide variety of practices that ensure protection of the environment, including conservation of natural resources; social progress that recognizes the needs of all stakeholders; and maintenance of high and stable levels of economic growth and employment,” the Transportation Research Board (TRB), which manages the ACRP Program for the Federal Aviation Administration explained in a project summary.

“Many airports have begun to incorporate sustainability practices into their planning, construction, and daily operations because of their tangible benefits to them and their community or to respond to regulation and policy. Many airports, however, have also found barriers to implementing sustainability practices, including limited resources, lack of sustainability evaluation tools, staffing challenges, and lack of understanding and/or awareness.

“While there have been many efforts to define sustainability and to identify airport sustainability practices, there is no broad, industry-adopted approach to evaluate and select best practices, nor is there a rating system to gauge airport sustainability performance,” TRB said.

To date, the oversight panel for the project has reviewed and approved the contractor’s work plan that will guide the technical aspects of the study, Joseph Navarrete, ACRP senior program office, told AER. Conference calls with the panel and the research team were held on Aug. 2 and Aug. 16. The purpose of these calls was to get everyone acquainted with each other and to review the research team’s proposed stakeholder outreach plan and schedule, Navarrete explained.

Navarrete said he is focusing on ensuring this ACRP (02-28) complements ACRP Project 02-30, which is enhancing the aviation industry’s Sustainable Aviation Guidance Alliance (SAGA) website. That project is due to be completed in January 2014.

### **Panel Members**

The panel selected by TRB to guide ACRP Project 02-28 is being chaired by Teresa Davidson, Senior Program Manager, Parsons Corporation. Other panel members are:

- Rosemarie Andolino, Commissioner, Chicago Department of Aviation;
- James Crites, Executive Director of Airport Operations, Dallas/Fort Worth International Airport;
- Laura A. Einspanier, Vice President - Corporate Real Estate, American Airlines;
- David L. Jones, Director, Facilities, Jacksonville Aviation Authority;
- David A. Lange, Professor and Director of the FAA Center of Excellence for Airport Technology;

- Robert A. Nicholas, Airport Manager, Ithaca Tompkins Regional Airport;
- Mark Reis, Managing Director, Port of Seattle, Seattle-Tacoma International Airport;
- Dean Schultz, VP of Planning, Engineering and Environmental Management, Reno-Tahoe Airport Authority

In addition, FAA’s liaisons to the panel are Ralph Thompson, Manager, National Planning and Environmental Division and Steve Urlass, an FAA Environmental Protection Specialist.

Other liaisons to the panel are:

Paula P. Hochstetler, President, Airport Consultants Council;

Deborah C. McElroy, Executive Vice President for Policy and External Affairs, Airports Council International - North America;

Kevin W. Welsh, J.D., Environmental Affairs Regulatory Manager, Air Transport Association of America, Inc.; and

Ms. Martine A. Micozzi, Management Policy Specialist, Transportation Research Board Technical Activities Division.

### **FAA Sustainability Pilot Program**

In addition to the ACRP projects, the FAA has underway a Sustainable Master Plan Pilot Program, which is evaluating ways to make sustainability a core objective at every airport by funding long-range planning documents at 10 airports around the country. The program will end in late 2012 and FAA plans to use the lessons learned from it to develop national program guidance on airport sustainability. For more on the pilot program, go to [www.faa.gov/airports/environmental/sustainability/](http://www.faa.gov/airports/environmental/sustainability/).

### **Military Aircraft**

## **FAA, DOD AGREE TO USE OPD PROCEDURES AT CHARLESTON**

An historic agreement between the Department of Defense and the Federal Aviation Administration establishes Optimized Profile Descent (OPD) procedures at Joint Base Charleston, SC, which will reduce noise, fuel costs, and emissions.

Lt. Col. Stan Davis from the U.S. Air Force 317th Airlift Squadron was recognized Aug. 25 for his work introducing the new approach and descent procedures at the base.

“Historically, pilots have been instructed to approach the airfield using a stair-step approach while communicating with several air traffic control centers,” Davis said. “This new procedure allows pilots to fly descent profiles using idle thrust based on current conditions reducing the amount of fuel consumed.”

Effective Aug. 25, the new guidelines established four dedicated corridors of the airspace around Charleston to allow any pilot the flexibility to descend at any gross weight

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on a predetermined track guided by waypoints.

"The FAA was gracious enough to allow us to name waypoints which are unique to Charleston and the 315th Airlift Wing," Davis said. "Some of the names are Palmetto, Loggerhead, Swampfox and Turtle, in honor of the 701st Airlift Squadron."

Davis spent part of two years in C-17 simulators putting inputs from professors at Georgia Tech to the test. The data gathered from optimized descents in civilian aircraft was then used in C-17 simulator trials to discover the best way to reduce fuel consumption.

"Fuel efficiency is one of Air Mobility Command's top priorities," said Jimmy Krogh, Airspace Maintenance Branch chief, Headquarters Air Mobility Command, Scott Air Force Base Ill. "The Air Force is the largest user of energy in the DOD with Air Force aviation operations accounting for 79 percent of the service's energy usage and all opportunities to improve fuel efficiency are being considered."

The initial discussion of military OPDs was the focus of a July 2008 conference. At this conference the Federal Aviation Administration approached the DOD to find more efficient ways for military aircraft to decrease fuel consumption and reduce emissions. The DOD then approached Air Mobility Command and Joint Base Charleston was the logical choice due to the C-17 Globemaster III aircraft and FAA facilities in the area.

Davis's military and civilian pilot experience, as well as his history working with Boeing on aircraft software, made him an easy choice to be the lead Air Force representative on this project.

"This was truly a joint effort between the Air Force and the FAA to make the procedure a reality," said Davis. He also enlisted the help of the Aerospace Science Department from Georgia Tech in his research."

The first OPD was completed by the FAA at Miami International Airport and has been implemented at airports in Los Angeles and Atlanta. This civilian OPD meets the FAA's objectives of reducing fuel burn, carbon emissions and noise footprints around the airports.

"Specific fuel savings from OPD procedures are hard to determine precisely, but previous FAA demonstrations at Los Angeles, Miami and Atlanta indicated a fuel savings of approximately 50 gallons or 340 pounds per arrival," said Krogh. "Those figures were based on commercial aircraft and we aren't certain what the results will be for the C-17, however, we hope to see similar results."

Estimates for the annual cost savings at Joint Base Charleston alone are in the millions of dollars while saving millions of gallons of fuel.

The next round of OPD development and coordination is expected to begin Sept. 8 at Travis AFB, California, with a projected date of completion in 18 to 24 months.

## AIRPORT NOISE REPORT

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 23, Number 30

September 16, 2011

## *Seattle-Tacoma Int'l*

### **FEDERAL WAY, LOCATED BEYOND 65 CONTOUR, WANTS FEDERAL NOISE MITIGATION FUNDING**

Citing 15 years of growing airport noise problems, Skip Priest, mayor of Federal Way, WA – located beyond the 65 DNL contour of Seattle-Tacoma International Airport – called on the Port of Seattle to “aggressively pursue” Federal Aviation Administration noise mitigation funding for the city.

“The airport noise impacts to Federal Way have a considerable effect on people’s ability to enjoy their homes,” Mayor Priest said following a recent meeting of the Seattle Commission Policy Roundtable held to discuss Sea-Tac’s Part 150 Airport Noise Compatibility Program study, which is being conducted to update its noise impact areas.

“The good news is that there are clear steps the Port can and should take to help reduce those impacts,” the mayor said.

He outlined three actions the City of Federal Way wants the Port of Seattle and the Federal Aviation Administration to take:

- Assess the noise problems in Federal Way. “The Port has excluded the City from the noise program boundary and the Port has not analyzed data it collects  
(Continued on p. 118)

## *Lambert-St. Louis Int'l*

### **FAA APPROVES ALL 23 PROPOSED MEASURES IN UPDATE TO ST. LOUIS PART 150 PROGRAM**

The Federal Aviation Administration announced on Sept. 6 that it has granted outright approval to all 23 proposed measures in an update to the Part 150 Airport Noise Compatibility Program for Lambert-St. Louis International Airport.

“We are pleased with the study’s outcome because it determined Lambert’s 30-year noise mitigation effort has been a success and no new programs are needed,” said Lambert Director Rhonda Hamm-Niebruegge. “Lambert received great support and input from its Airport partners and surrounding communities which was essential to the study and will be just as important as we continue to monitor the effects of aircraft noise on our neighbors.”

Measures newly-approved in the program include:

- Noise disclosure for use by the St. Louis Airport Authority to cooperatively engage in a dialogue with area realtors and local jurisdictions to jointly develop a regulatory process to provide full disclosure of airport noise;
- Amend, as necessary, the local subdivision regulations to ensure that land is platted and developed to minimize noise impacts or reduce noise-sensitivity of new development;

(Continued on p. 118)

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Federal Way – located beyond Sea-Tac’s 65 DNL contour – wants noise mitigation funding - p. 117

### *Lambert-St. Louis Int'l ...*

FAA approves all 23 measures in airport’s Part 150 Program update - p. 117

### *Port Columbus Int'l ...*

Airport gets \$2.9 million AIP grant to soundproof 69 homes near airport - p. 119

### *Connecticut ...*

FAA awards \$3.4 million AIP grant to Bradley Int'l Airport to soundproof homes; \$5 million AIP grant to Waterbury-Oxford Airport for land acquisition - p. 119

### *Buffalo Niagara Int'l ...*

FAA awards \$5.2 million AIP grant for residential sound insulation - p. 119

### *News Briefs ...*

Airports included in new PARTNER study on effects of aviation noise on the elderly will be selected in early 2012 ... Trump drops lawsuit - p. 119

*Sea-Tac, from p. 117*

from Federal Way-area noise monitoring stations,” the mayor said, adding, “Without reliable data about noise impacts affecting Federal Way residents, the Port has no basis to address those impacts.”

- Aggressively pursue additional FAA mitigation dollars for North Federal Way. “Failing to assess the data collected by its noise monitors leads to ignoring noise mitigation needs in North Federal Way. Meanwhile, residents are unable to carry on conversations when planes pass overhead, and are being awakened at night by passing planes. The impacts to Federal Way residents are real and the Port can help city residents by seeking mitigation funding,” Federal Way told the Port.

- Continue commitment to Continuous Descent Approach system. The City said it is supporting the Port’s commitment to implement continuous descent approach landings by 2013. This technique uses GPS navigation technology to land planes on a smooth glide approach, which can reduce fuel use, emissions, and noise.

**Port’s Response**

The Port of Seattle provided the following response to Federal Way’s demands:

The Port of Seattle has been in communication with Federal Way about the aircraft noise over the Marine Hills neighborhood for a number of years. The Marine Hills community is located approximately six miles south of Sea-Tac Airport.

The Part 150 Study update that is currently underway has completed an extensive evaluation of aircraft noise throughout the region, including Federal Way. The federal rules are clear about the eligibility of funding for noise mitigation and that only residences within the 65 day night level (DNL) noise contour are eligible for mitigation. The actual 2009 and forecasted 2016 65 DNL contours, used to define the new boundaries of the Port’s noise insulation program, all show that Federal Way and, specifically, the Marine Hills neighborhood experience noise levels less than 65 DNL.

The Port is aware of the effect that noise can have on residents located around the airport, and continually monitors flights to and from the airport to evaluate compliance with Sea-Tac’s noise abatement measures. We understand that aircraft noise does not stop at the 65 DNL noise contour or the Noise Remedy Program boundary. At the same time, it is important to note that the noise levels experienced by those residents living within the 65 DNL and the Noise Remedy Program boundary are higher than areas outside of these boundaries.

The Port has a long history of successful noise mitigation programs that have included over \$167 million in FAA grant funds for noise mitigation programs over the past 30 years. The Port is currently evaluating several new mitigation options through the Part 150 Program for the 65 DNL areas including possible additional sound insulation, residential acquisitions, and a ground run-up enclosure.

The Port appreciates the support of the City of Federal Way in the pursuit of implementing Continuous Descent Approaches at Sea-Tac. The Port, along with the FAA, Boeing, and Alaska Airlines, are members of the ongoing Greener Skies initiative, which is looking at a variety of NextGen techniques that could help reduce emissions, decrease fuel burn, minimize noise impacts, and improve safety. The FAA has officially adopted the initiative and the early indications are that new procedures like Continuous Descent Approaches are viable at Sea-Tac. The implementation process has already begun and could be in place as early as 2013.

*Lambert-St. Louis, from p. 117*

- Encourage local jurisdiction to use transfer of development rights where appropriate to benefit land use compatibility;

- Have local jurisdictions consider in their capital improvement planning process the compatibility between airport noise and potential development of new land uses when sizing and locating future infrastructure improvements in order to avoid the development of services that could lead to incompatible uses;

- Upgrade the aircraft monitoring system so that airport staff can obtain flight tracking data and prepare reports in response to community questions. Relocate permanent noise monitoring sites close to the existing 65 DNL noise contour; and

- Reinitiate a community outreach program through a Community Forum.

No proposals relating to new or revised flight procedures for noise abatement were proposed in the update, which did include 10 noise abatement measures, 10 land use planning and policy use management measures, and three measures for oversight and implementation of the abatement and land use measures.

The airport withdrew a proposed noise mitigation measure that called for maximizing west flow operations. Nine previously-approved noise abatement measures were again approved by FAA in the Part 150 update. They include:

- Daytime use of runway 6-24 between 6 a.m. and 11 p.m. as needed to prevent air traffic delays;

- Daytime and nighttime departure corridors for commercial airline and military jets;

- Prohibition on nighttime full-power aircraft engine run-ups between 11 p.m. and 6 a.m. without prior authorization;

- Prohibition on nighttime use of Runway 6-24 between 11 p.m. and 6 a.m. by commercial jets and military aircraft;

- Use of Distant Noise Abatement Departure Procedure outlined in FAA Advisory Circular 91-53A by commercial airline jets;

- Quiet push-back procedures by commercial airline jets using aircraft tractors because power backs using aircraft engines are not permitted;

- Limit commercial jet aircraft from intercepting the final



approach no closer than four nautical miles from the arrival runway end;

- Notify the airlines concerning the existing practices for full power maintenance run-ups and terminal push-backs by the air carriers with scheduled service at the airport.

The FAA announcement is available online in the Federal Register at <http://www.gpo.gov/fdsys/pkg/FR-2011-09-06/html/2011-22607.htm>.

### ***Port Columbus Int'l***

## **AIRPORT GETS \$2.9 MILLION GRANT TO SOUNDPROOF HOMES**

Ohio Sen. Sherrod Brown (D) announced Sept. 12 that the Federal Aviation Administration has awarded a \$2.9 million Airport Improvement Program (AIP) grant to Port Columbus International Airport to soundproof 69 homes near the airport.

The grant will support Phase XI of the airport's Residential Sound Insulation Program.

"Ohio businesses and visitors depend on safe and efficient operations at Port Columbus and Ohio residents rely on strong, livable communities," Brown said. "This funding is critical to ensuring that one of Ohio's great economic generators doesn't prevent families from creating solid communities that people are proud to call home."

### ***Connecticut***

## **FAA AWARDS NOISE GRANTS TO BRADLEY, WATERBURY AIRPORTS**

Connecticut Sens. Joe Lieberman (ID) and Richard Blumenthal (D) announced on Sept. 13 the release of over \$8 million in Federal Aviation Administration Airport Improvement Program (AIP) grants for improvements to two Connecticut airports.

Bradley International Airport will receive \$3,360,000 for sound insulation of approximately 100 homes in the Windsor Locks area of Hartford, and the Waterbury-Oxford Airport will receive \$5 million for land acquisition of nearby homes impacted by airport noise. Approximately 300 residents will benefit from these combined noise mitigation measures.

"Bradley and Waterbury-Oxford are two essential airports in Connecticut," Lieberman said. "It's critical that we continue to invest in these airports, not only to increase safety and efficiency for the travelers who pass through them, but also to improve the quality of life for the many residents who live nearby, which these grants do."

"These resources are essential to making necessary changes that benefit the people surrounding Bradley and Waterbury-Oxford Airports," Blumenthal said. "It is essential that we continue to make the investments necessary that keep our infrastructure up to date – including our airports, roads

and bridges – and I will continue to fight for these funds so that we are able to maintain and expand our transportation systems."

### ***Buffalo Niagara Int'l***

## **AIRPORTS GETS \$5.2 MILLION AIP GRANT TO SOUNDPROOF HOMES**

NY Senators Charles E. Schumer (D) and Kirsten Gillibrand (D) announced Sept. 15 that Buffalo Niagara International Airport is set to receive \$5,221,553 in FAA Airport Improvement Program (AIP) grant to fund noise mitigation design for 149 nearby homes and noise mitigation construction efforts for 150 homes in close proximity to the airport.

"This is great news for the residents that live near the Buffalo Niagara International Airport," said Schumer. "This investment will dramatically minimize the daily intrusion of airplane noise in local residents' lives, which will dramatically improve their quality of life at home."

"This is an important investment for the communities surrounding Buffalo Niagara International Airport," Senator Gillibrand said. "These federal dollars will help bring real relief to the daily lives of families living in the area by reducing the noise from the airport that reaches their homes."

### ***In Brief...***

### **B747-8 Separation Distance**

The International Civil Aviation Organization (ICAO) has ruled that the new Boeing 747-8 will be able to operate at the same aircraft separation distances as the 747-400. ICAO sent a letter to all member nations recently saying that a team of wake experts had examined flight test and simulation data and determined that the 747-8 should remain in the same class as its predecessor and retain the same separation distances, Boeing said.

Boeing said the 747-8 Freighter will give cargo operators the lowest operating costs and best economics of any freighter airplane while providing enhanced environmental performance. It is 250 feet, 2 inches (76.3 m) long, which is 18 feet and 4 inches (5.6 m) longer than the 747-400 Freighter. The 747-8 Intercontinental will have the lowest seat-mile cost of any large commercial jetliner, with double-digit improvements in fuel economy and carbon emissions per passenger, while generating 30 percent smaller noise footprint than the 747-400.

### **New PARTNER Health Study**

Next summer of fall is the best estimate of when the research consortium PARTNER will release the peer-reviewed results of a new study it just announced (23 ANR 109), which will use national data on Medicare enrollees and noise contours for 95 U.S. airports to evaluate the linkage between car-

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diovascular disease and aircraft noise exposure.

The analysis will be based on a subset of airports for which noise data are already available, which will be many of the large airports in the United States. The final set of airports included in the study will be determined once researchers have processed the noise data and linked with the Medicare cohort, which should happen in early 2012, Jonathan Levy of the Boston University School of Public Health, one of the lead investigators in the study, "Aviation-related noise effects on the elderly," told ANR. The project does not officially start in full until December.

### Obama Jobs Bill Would Fund Airports

President Obama's jobs bill calls for \$2 billion for airport capital projects and \$1 billion for modernizing the air traffic system, along with \$6 billion for fixed guideway systems, \$5 billion for competitive grants across all modes, and \$3 billion for transit capital projects.

The bill includes a proposal for an infrastructure bank that would be capitalized initially with \$10 billion in federal money and would provide loans and loan guarantees for infrastructure projects including transportation, energy, and water infrastructure of national or regional significance. Obama's bill proposes a seven-member governing body that would be appointed by the president and confirmed by the senate.

In related news, Senate leaders reached a last-minute deal with Sen Tom Coburn (R-OK) late on Sept. 15 that averted the second partial shutdown of the FAA. Coburn agreed to a House-passed bill that extends FAA funding for four months. Coburn had threatened to hold up extensions of FAA and highway and transit funding over his objections to a mandate requiring states to spend funds on landscaping, pedestrian safety, and bike paths.

### Trump Drops Lawsuit Against Airport

Real estate mogul Donald Trump has dropped his lawsuit against Palm Beach County, FL, trying to block the potential expansion of Palm Beach International Airport.

Trump decided to drop the lawsuit after airport officials agreed not to disband airport noise monitors and the Citizens Committee on Airport Noise, which Bruce Pelly, manager of PBIA, recently sought to eliminate on the grounds that they had outlived their usefulness and cost too much money to maintain (23 ANR 98).

Trump filed suit in 2010 seeking to block the runway and prevent aircraft from flying over his Mar-a-Largo club. A judge dismissed much of the lawsuit last December but allowed Trump to refile it, which he did.

Trump said through his attorney that he might refile his lawsuit if airport managers once again pursue expansion of the airport. Plans to build another commercial runway were dropped due to a significant decrease in air traffic.

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